

Exhibit 3

May 18, 2016 Deposition Transcript of Kendra Vallarelli,
Chief Analytics Officer of Defendant Stellar Recovery, Inc.

UNITED STATES DISTRICT COURT
IN THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LAKISHA T. SMITH,
Plaintiff, COURT FILE NO.
-vs. 2:15-cv-11717-SJM-MKM
STELLAR RECOVERY, INC.,
COMCAST CORPORATION, Hon. Stephen J. Murphy, III
COMCAST OF DETROIT, LLC, Hon. Magistrate Mona K.
Defendants. Majzoub

DEPOSITION OF:
KENDRA VALLARELLI

Taken on behalf of the Plaintiff,
Lakisha T. Smith

DATE TAKEN: Wednesday, May 18, 2016
TIME: 9:06 a.m. - 12:00 p.m.
1:30 p.m. - 2:26 p.m.
PLACE: Jacksonville Area Legal Aid, Inc.
126 West Adams Street
7th Floor Conference Room
Jacksonville, Florida 32202

Examination of the witness taken before:
Carol DeBee Martin

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APPEARANCES

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Appearing on behalf of Plaintiff

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Appearing on behalf of Defendant.

ALSO PRESENT: CHELSEY PANKRATZ

— — —

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1 KENDRA VALLARELLI,
2 having been produced and first duly sworn as a
3 witness on behalf of the Plaintiff,
4 Lakisha T. Smith, and after responding, "I do,"
5 to the oath, testified as follows:

6 MR. THOMAS: Good morning, everyone.

7 My name is Attorney Stephen Thomas.

8 I represent Lakisha Smith in this matter.

9 I'd like all of the parties to introduce
10 themselves, please.

11 MS. EMERY: Alison Emery, and I'm
12 appearing on behalf of Stellar Recovery.

13 MS. VALLARELLI: Kendra Vallarelli, and
14 I'm here for Stellar Recovery.

15 MS. PANKRATZ: Chelsey Pankratz on behalf
16 of Stellar Recovery.

17 DIRECT EXAMINATION

18 BY MR. THOMAS:

19 Q Ms. Vallarelli, you understand you're
20 under oath today, correct?

21 A Yes.

22 Q All right. Are you under any medication,
23 alcohol or drugs that would prevent you from
24 testifying truthfully today?

25 A No.

1 Q And you're represented by Counsel,
2 correct?

3 A Yes.

4 Q All right.

5 MS. EMERY: She's represented in her
6 capacity as a corporate representative.
7 I'm not her personal counsel.

8 MR. THOMAS: Understood. Thank you.

9 BY MR. THOMAS:

10 Q You understand that we need verbal
11 answers, correct?

12 A Yes.

13 Q And, if you don't understand one of my
14 questions, just let me know.

15 All right?

16 A Okay.

17 Q Now, if you're able to answer a question,
18 I'm going to assume that you both heard the question
19 and you understood the question.

20 That's fair enough?

21 A Okay.

22 Q Ms. Vallarelli, you work for Stellar,
23 do you not?

24 A Yes.

25 Q All right. And Stellar is located in

1 Jacksonville, Florida, right?

2 A Yes.

3 Q Do you live in Jacksonville, Florida?

4 A Yes.

5 Q Were you born here in Florida?

6 A No.

7 Q Where were you born?

8 A Oregon.

9 Q Oregon.

10 How many places have you lived?

11 A Two.

12 Q Oregon and here?

13 A Correct.

14 Q All right. And you're a high school
15 graduate, are you not?

16 A Yes.

17 Q Did you go to college?

18 A Some.

19 Q All right. Where did you go some?

20 A Linn-Benton Community College.

21 Q Okay. Where is that located?

22 A Oregon.

23 Q And, what did you study there?

24 A General.

25 Q How many courses did you complete or

1 credits?

2 A Off the top of my head, I don't remember.

3 Q Was it a year or two years, or what?

4 A Less than a year. Maybe two a year.

5 Q All right. And, what is your age, ma'am?

6 A 32.

7 Q In the last ten years, have you been
8 convicted of a felony?

9 A No.

10 Q Now, with respect to this case,
11 have you discussed this with your attorney?

12 A Briefly.

13 Q Okay. Have you discussed it with anybody
14 else?

15 A No.

16 Q I'm showing you what has been previously
17 marked as Exhibit No. 1.

18 MR. THOMAS: Do you want me to pass it to
19 her so she can pass it over to you?

20 MS. EMERY: That's fine.

21 (Whereupon, a copy of Plaintiff's Notice
22 of Taking Deposition of Defendant Stellar
23 Recovery, Inc.'s Designated Representative
24 Under Fed.R.CIV.P.30(B)(6) by Stenographer,
25 Skype, Video, and/or Audio last-above referred

1 to was marked for identification for the record
2 as Plaintiff's Exhibit No. 1.)

3 BY MR. THOMAS:

4 Q All right. And, have you seen that
5 exhibit before, ma'am?

6 A Yes.

7 Q All right. And, did you have an
8 opportunity to review that with Counsel?

9 A Briefly.

10 Q And you said, "briefly."
11 What do you mean?

12 A We met for a short period of time
13 yesterday prior to coming today.

14 Q All right. Now there are subjects that
15 are outlined in this Notice of Deposition, correct?

16 A I'm not sure I understand what you mean.

17 Q Okay. Could you turn to Page 3?

18 A Yes.

19 Q "DEPOSITION TOPICS."
20 Do you see that?

21 A Yes, I do.

22 Q Okay. And it starts with No. 1 through
23 No. 5, correct?

24 A Yes.

25 Q And, if you go to Page 4, it's No. 6

1 through 12, correct?

2 A Yes.

3 Q And Page 5 is 13 through 16, correct?

4 A Yes.

5 Q And Page 6 is 17 through 23 (sic)?

6 A 22?

7 Q Yes, ma'am.

8 A Yes.

9 Q Are you familiar with those topics?

10 A I would need a second to look through them
11 all to make sure that I'm --

12 Q Yes. Go right ahead. Go right ahead.

13 A -- okay.

14 (perused exhibit)

15 Yes. I'm familiar with these.

16 Q All right. Are you able today to testify
17 to each one of those subjects?

18 A Yes.

19 Q Did you review any other documents prior
20 to today's deposition?

21 A I am familiar with our Call Log,
22 which I believe was in your comments.

23 Q So that's another document that you
24 reviewed, the Call Log?

25 A Uh-huh.

1 Q Is that a, "Yes"?

2 A Yes.

3 I'm sorry.

4 Q How long have you been employed with
5 Stellar Recovery?

6 A Since June 13th of 2013.

7 Q And, what is your current position at this
8 time?

9 A CAO, Chief Analytics Officer.

10 Q Say it, again.

11 A CAO, Chief Analytics Officer.

12 Q Okay. And, exactly, what duties do you
13 do?

14 A I am -- I manage our consumer phasing
15 communications as well as the strategy or business
16 strategy behind it.

17 Q Tell me about the business strategy.

18 What do you mean by that?

19 MS. EMERY: Object to the form.

20 THE WITNESS: Making telephone calls,
21 sending letters, things of that nature.

22 BY MR. THOMAS:

23 Q All right. I'm showing you what has been
24 previously marked as Plaintiff's Exhibit No. 2.

25 Do you recognize that?

1 A I do.

2 (Whereupon, a copy of the Account History
3 for DISH Network with a Report Date of
4 12-3-2015 at 9:49 a.m., last-above referred to
5 was marked for identification for the record as
6 Plaintiff's Exhibit No. 2.)

7 BY MR. THOMAS:

8 Q And, what is it?

9 A It is the Account History out of our
10 database, Latitude.

11 Q Okay. For which client or which customer?

12 A DISH Network.

13 Q And, is that prepared and stored in the
14 normal course of business that relates to your
15 collection activities generally as it relates to the
16 plaintiff in this case?

17 A I'm not sure if I understand that
18 question.

19 Q Okay. Is it prepared and stored in the
20 normal course of business at Stellar?

21 A Yes.

22 Q Okay. And, does it not relate to the
23 collection activities as to the plaintiff in this
24 case?

25 A It does relate.

1 Q And, is it a fair and accurate reflection
2 of that business record?

3 A Yes.

4 Q All right. Now I want to talk to you
5 about this Account History. It starts off with,
6 "Our Account ID."

7 And, what number is that?

8 A That is Stellar Recovery's assigned file
9 number.

10 Q Okay. And, is that, "11457193"?

11 A Yes.

12 Q Okay. And next, "Status," "B07," correct?

13 A Yes.

14 Q What does, "B07," mean?

15 A It reflects Bankruptcy Chapter 7.

16 Q Okay. And then the, "Report Date,"
17 is December 3rd, 2015, at 9:49 a.m., correct?

18 A Yes.

19 Q Would that be the date and the time that
20 the report was generated?

21 A Yes.

22 Q And it says the, "Customer," is,
23 "DSHAHO DISH NETWORK."

24 Would the customer be DISH Network?

25 A Yes.

1 Q And that, "Account Number --" what does
2 that reflect?

3 A That is the account number provided to us
4 from DISH Network.

5 Q So, would that be the account number that
6 was associated with the DISH Network account?

7 A It is our understanding that that is the
8 original account number.

9 Q And then the next line is, "Received,"
10 and it says, "January 22nd, 2014," correct?

11 A Yes.

12 Q What does that mean?

13 A That's the date that we received it into
14 our database system.

15 Q Okay. And, when you receive it into your
16 database system, what do you do?

17 A Could you be more specific?

18 Q Okay. When you receive this into this
19 account, what do you do?

20 MS. EMERY: Object to the form.

21 THE WITNESS: That could go in multiple
22 directions.

23 So I'm asking you to be -- are you asking
24 for how we import the files, or are you asking
25 for what we do once the file is placed in our

1 office?

2 BY MR. THOMAS:

3 Q Both.

4 A Okay. To import the files, we receive a
5 file from our client.

6 Q Okay.

7 A And it is imported into the system.
8 So we take their data points that they provide us.

9 Q How do they provide that to you?

10 A We receive that in multiple ways from our
11 clients.

12 Q Okay. How did you receive it from DISH?

13 A I can't speak specifically to at the time
14 we received this how we were exchanging those files.

15 Q Okay. Generally speaking, what are the
16 various ways that you can receive a file?

17 A Electronically through SFTP, or --

18 Q And, what is SFTP?

19 A -- SFTP is a secured transfer site,
20 essentially. It's an electronic form for --
21 platform for A to platform and platform to B.

22 "A," being the client. "B," being us.

23 Q Okay.

24 A That is the normal way. There are also
25 automated -- or sorry -- manual ways where we would

1 still receive it through the FTP, but we would pull
2 it manually and import it into Latitude versus an
3 automated process.

4 Q Okay. So you named two ways that you get
5 the information from --

6 A That I am familiar with that we get the
7 information from our client -- yes.

8 Q -- okay. But you can't speak on how this
9 was --

10 A I was not handling the information like
11 that at that time.

12 Q -- all right. Now the next line says,
13 "Closed," "May 7th, 2014."

14 A Yes.

15 Q What does that mean?

16 A That is the date that we closed the
17 account in our office.

18 Q Okay. And, why did you close the account
19 in your office?

20 A Based on the document -- the date of
21 5-7-2014 -- we received information from a vendor
22 for our skip tracing notifying us of a bankruptcy.

23 Q Okay.

24 A So we closed it.

25 Q Now you said you received it from a

1 vendor.

2 What vendor would that be?

3 A The vendor is Phin Solutions.

4 Q Okay. And, what do they do for you?

5 A They do our bankruptcy and our deceased
6 monitoring.

7 Q All right. How do they do that?

8 A That's information that they would have to
9 provide.

10 Q So you don't know how they get their
11 information, correct?

12 A Correct.

13 Q The next line indicates, "Original
14 Balance."

15 How much is that?

16 A \$1,176.56.

17 Q All right. Would that be the amount that
18 was outstanding to DISH when you received the
19 account?

20 A It is our understanding that that is the
21 amount that's placed as an outstanding balance from
22 DISH Network. Yes.

23 Q And, "Interest Rate," "0.00."

24 What does that mean?

25 A There was no interest accruing on this

1 account while it was placed in our office.

2 Q "Amount Paid," "\$0.00."

3 What does that mean?

4 A That the individual responsible for the
5 debt did not pay anything to our office.

6 Q And that would be Lakisha Smith?

7 A Based on the information provided to us,
8 yes.

9 Q "Last Int Date --" what is that?

10 A Last interest date is what I believe that
11 to be, but I'm not 100 percent on that.

12 Q And, once again, the current balance is
13 reflected equal to the original balance, correct?

14 A Yes.

15 Q Now the next section is, "Debtors,"
16 correct?

17 A Yes.

18 Q When you say, "Debtors," what does that
19 mean to you on your report?

20 A It is the consumer, the primary consumer
21 or the individual responsible for the original
22 amount placed, based on the account number placed by
23 our client.

24 Q All right. And, in this case, what name
25 do you have on this account?

1 A Lakisha Smith.

2 Q All right. And you have a Social Security
3 number, do you not?

4 A We do.

5 MR. THOMAS: With respect to the
6 Social Security number, I'm going to have that
7 confidential.

8 MS. EMERY: Sure.

9 However you want to handle it, that's fine
10 with me.

11 MR. THOMAS: All right.

12 BY MR. THOMAS:

13 Q And, what Social Security number is
14 reflected?

15 A "385-84-5598."

16 Q And, based on your information and belief,
17 is that the correct Social Security number for
18 Lakisha Smith?

19 A Based on the information provided by the
20 client, yes.

21 Q And, "Date of Birth," -- there is no date
22 of birth?

23 A Correct.

24 Q Now the street -- what's the street
25 address?

1 A 5308 Philip Street.

2 Q And, what does that reflect?

3 A The address believed to be for
4 Ms. Lakisha Smith.

5 Q And you would have received that from
6 DISH Network, would you have not?

7 A I'll have to look at the notes to make
8 sure.

9 Q Okay.

10 A (perused documents)

11 Yes. Based on the notes, that is the
12 address that was placed to us from DISH Network.

13 Q All right. And, would the city and state
14 and ZIP Code be also placed with you from
15 DISH Network?

16 A Yes.

17 Q The next section is, "Payments," correct?

18 A Yes.

19 Q And you indicate that you received no
20 payments from Ms. Smith, correct?

21 A Correct.

22 Q So, is that the reason why that is blank?

23 A Yes.

24 Q The next section is, "Notes."

25 And, what all is entailed in your,

1 "Notes," section?

2 A The notes include every action that has
3 taken place on the account while it's placed within
4 our office.

5 Q And that would be from the very beginning
6 when you received the account to the very end when
7 the account was closed, correct?

8 A Yes.

9 And, in some cases, if action takes place,
10 meaning we receive a telephone call after the
11 account has been closed, that will also be noted.

12 It is a complete record of what takes
13 place on -- on the account.

14 Q Okay. So, based on the notes, when was
15 the beginning, and when was the end of this
16 particular account?

17 A First note entered on 1-22-2014 at
18 5:59 p.m. Last note line entered on 5-8-2014 at
19 8:36 a.m.

20 Q Okay. So there was no activity before the
21 January 22nd, 2014, date, and there is no activity
22 after the May 8th, 2014, date, correct?

23 A No activity after the 12-3-2015 date,
24 which is the date of -- Report Date. I won't be
25 able to speak to anything after the 12-3-2015.

1 Q Where are you getting that date?

2 A Your first page with the Report Date that
3 you asked about --

4 Q Okay --

5 A -- in the upper, right-hand corner.

6 Q -- all right.

7 A I -- I can speak to as of that date.

8 But, yes, based on the notes actually
9 leading up and to that date ended at 5-8 -- or on
10 5-8 of 2014.

11 Q At 8:36 a.m., correct?

12 A Yes.

13 Q Okay. Now let's go through the, "Notes,"
14 section.

15 Could you read to me the, "Date and Time,"
16 and the, "User --" well, before I do that, strike
17 that.

18 What are the categories in the, "Notes"?

19 A From the left to right, we have,
20 "Date and Time," then, "User," then, "Action," then,
21 "Result," then, "Comment."

22 Q All right. And the, "Date and Time,"
23 would reflect, what?

24 A The, "Date and Time," will reflect the
25 date of the action and the time of the action.

1 Q And the, "User," would reflect, what?

2 A Who made the action or who performed the
3 action.

4 Q Okay. Would that be a person?

5 A It can be both -- system and person.

6 Q System and person?

7 A Uh-huh.

8 Q All right. And the, "Action --"
9 what would that reflect?

10 A "Action," is the -- essentially, it is the
11 action taken. So it is the first step. So, in the
12 line, the first line case, it's the action that we
13 took.

14 And the, "Results," would be what came
15 back from that action, if applicable.

16 Q Okay. And the next category is the,
17 "Comment."

18 What does that reflect?

19 A It is a general description of what took
20 place based on that action.

21 Q All right. Let's start with the first
22 line.

23 Could you read it, and tell me what each
24 entry reflects?

25 A "Date and time," "1-22-2014, 5:59 p.m.,"

1 "User," "Exchange."

2 Q Let me ask you.

3 What is Exchange?

4 A Exchange is a system.

5 Q It's a system?

6 A Yes.

7 Q All right. And, what type of system is
8 that?

9 A I'm not 100 percent familiar with the type
10 of system it is.

11 Q Is it like on your server?

12 Is it software?

13 What is it?

14 A It is my understanding that Exchange is a
15 software used within Latitude to assist in actions.

16 Q Okay.

17 A So this is a scrub process -- this first
18 line. So Exchange is the program used to gather the
19 information needed to perform the scrub action.

20 So we gather, and then we provide to the
21 vendor through that Exchange platform.

22 Q Okay. What is the, "++++," under,
23 "Action"?

24 A The way I understand the, "++," to be is
25 if the action -- if there is no true action results.

1 So we took an action, because we gathered
2 information. But we didn't actually perform an
3 action, meaning that we telephoned a residence,
4 or we -- where it says, "INFO," and, "REC," we
5 pulled a report essentially on this account to send
6 to a vendor.

7 Q And, what vendor was that, again?

8 A Phin -- or I'm sorry. TLO is this vendor.

9 Q And, who is TLO?

10 A TLO is a scrub vendor called,
11 "The Last One."

12 And they handle bankruptcies, deceased,
13 and telephone number scrubs for our company.

14 Q Are they still your vendor now?

15 A Yes, they are.

16 Q And, "Result --" why is that with the
17 pluses?

18 A Same as the, "Action." At this point,
19 there was no physical result.

20 We simply sent the file out. So the
21 result would have come later on, if there was an
22 identification of a bankruptcy or a deceased.

23 Q Okay. So TLO only does the bankruptcy and
24 deceased scrub, correct?

25 A They do our bankruptcy, deceased and

1 telephone number scrub.

2 Q And telephone numbers.

3 A Yes.

4 Q Okay, okay. "Comment --" explain it to
5 me. Read it, and explain what it means.

6 A "Account sent to TLO for
7 Bankruptcy/Deceased scrub."

8 What it means is, when we receive an
9 account on placement, we perform actions to ensure
10 that these consumers have not filed bankruptcy or
11 have not been deceased.

12 We don't call bankruptcy and deceased
13 accounts.

14 Q All right. And, what was the result?

15 It says it was sent to them.

16 But, did they send anything back to you?

17 A On 1-23-2014, at 9:30 a.m., performed by
18 Exchange -- "Action," and, "Result --"
19 the same. We just received a file back.

20 "Number updated to cell due to match."

21 Q Slow down, slow down.

22 A Yes, sir.

23 Q All right. So, at 1-23 at 9:00?

24 A A.M. -- 9:30 a.m.

25 Q All right. So there are two lines that

1 reflect that -- actually, there are three.

2 A It's the -- it's the first, "9:30 a.m."

3 Q Okay.

4 A Yes. "TLO bankruptcy scrub data returned
5 with no applicable post charge-off."

6 Q And, what does that mean?

7 A We received no indication that the
8 consumer filed bankruptcy -- that this account would
9 be representative.

10 Q And then the next line -- what would that
11 be?

12 A That we received the same indicator back
13 from TLO, that they also did not find a deceased
14 scrub return.

15 Q Now, on the third line going back to the
16 top, at, "January 22nd, 2014, at 5:59," "Exchange
17 --" why is it a repeat?

18 A I'm not sure.

19 Q On, "January 22nd, 2014, at 6:31 p.m.,"
20 explain to me that line.

21 A "User," is, "FUSION."

22 Q And, what is FUSION?

23 A FUSION is also a similar program to
24 Exchange where we used to exchange files back and
25 forth from our vendors.

1 Q Okay. So FUSION and Exchange would be
2 with Latitude?

3 A They work with Latitude.

4 Q They work with Latitude.

5 A The way I understand it -- yes.

6 Q All right. Go ahead.

7 A We sent a file to ID Info 2 Service.

8 Q What's, "ID Info"?

9 A ID Info is another vendor.

10 Q All right.

11 A They perform our litigious and our
12 cell suppression file scrubs.

13 Q And, what does that mean?

14 A Litigious is where they --
15 my understanding of litigious is they scrub against
16 a database that tells us if a consumer has had
17 multiple lawsuits or is considered a litigious
18 debtor through some sort of action.

19 The ID -- or the cell suppression is where
20 we take our telephone numbers on the account.
21 Whether we know that they're a cell phone or not,
22 we send them to ID Info for them to identify
23 telephone numbers as a type of phone number, such as
24 home number, cell phone number, work number,
25 et cetera.

1 Q All right. Go ahead. You had ID Info to
2 --

3 A "Service data ordered on 1-22-2014.
4 Current Balance \$1,176.56."

5 Q Why would you need the current balance
6 when you sent that over to ID Info 2-?

7 A I'm unsure of why that's included.

8 Q And let's go to the next line.

9 A "1-23-2014, 5:44 a.m.," "IDA --"

10 Q And, what --

11 A -- which is also, "ID Info."

12 Q -- all right.

13 A "File sent to IDA for cell scrub for phone
14 number," and it lists phone number (313) 718-5574.

15 Q And, what does that mean to you, that
16 comment?

17 A We sent the telephone number listed on the
18 account to IDA -- or IDI Cell -- or IDI Info --
19 I apologize -- to determine if it's a cell phone
20 number or a home number or a work number.

21 Q Okay. And that number that's listed there
22 -- what type of number is it?

23 A Based on the following note, which is
24 "1-23-2014, 5:58 a.m.," "IDA," "IDA Cell Scrub for
25 phone number (313) 718-5574 resulted in a match.

1 Phone number updated to cell due to match."

2 Q Where did you get that number from,
3 that cell phone number?

4 A Without looking at the physical account,
5 I am not sure I can answer that question.

6 Q Okay. So right now you don't know where
7 you got that number.

8 A Correct.

9 Q Let's go to the line that is the fifth
10 line for January 23rd, 2014, and let's go over that
11 one.

12 Go ahead.

13 A "1-23-2014, 9:30 a.m.," "Exchange,"
14 "TLO Deceased scrub data returned --"

15 Q No. Before you do that, let's go over the
16 "Action," and just tell me what that means and when
17 it's the pluses, again.

18 A It is my understanding --

19 MS. EMERY: Objection.

20 Go ahead.

21 I'm sorry.

22 THE WITNESS: -- it is my understanding
23 that that is because we did not perform a
24 physical, action or result.

25 MR. THOMAS: Okay.

1 BY MR. THOMAS:

2 Q Go ahead.

3 "TLO --"

4 A Yeah. I'm just counting back up.

5 Q -- sure.

6 A I apologize. "TLO Deceased scrub data
7 returned with no deceased information."

8 Q All right. Next line.

9 A "1-23-2014, 9:30 a.m.," "Exchange,"
10 "Action," and, "Result," both plus --

11 COURT REPORTER: What result?

12 THE WITNESS: "Action," and, "Result."

13 COURT REPORTER: Thank you.

14 THE WITNESS: "TLO Bankruptcy scrub data
15 returned with no applicable post charge-off."

16 BY MR. THOMAS:

17 Q Now, when you said the, "Action," and,
18 "Result," are plus, that means that there was
19 nothing sent to the client or the customer; is that
20 it?

21 A It is my understanding that there was no
22 physical action performed other than sending a file.

23 Q To your vendor.

24 A To our vendor.

25 Q Okay.

1 A Next line, "1-23-2014, 9:30 a.m.,"
2 "Exchange," "Action," and, "Result," both show
3 pluses. "TLO Deceased scrub data returned with no
4 deceased information."

5 "1-23-2014, 9:30 a.m.," "Exchange,"
6 "Action," and, "Result," code show pluses.
7 "TLO Bankruptcy scrub data returned with no
8 applicable post charge-off."

9 Q And, what does that mean?

10 A We did not receive any indicator back from
11 the vendor that the bankruptcy -- there was a
12 bankruptcy in which this account was applicable.

13 Q All right. Next line.

14 A "1-23-2014, 9:30 a.m.," "Exchange,"
15 "Action," and, "Result," all pluses. "TLO Deceased
16 scrub data returned with no deceased information."

17 Q And that would mean that, based on TLO's
18 research, the person, Ms. Smith, was not deceased,
19 correct?

20 A Correct.

21 Q Next line.

22 A "1-23-2014, 10:45 a.m.," "FUSION,"
23 "Action," and, "Result," "SEND," "Innovis RPC
24 Service --"

25 Q Wait. It has, "SEND," and the, "Result,"

1 is, "SEND."

2 Why do you need, "SEND," in both columns?

3 A I'm -- I'm unsure of why they put both --
4 "SEND."

5 Q All right. Go ahead.

6 A "Innovis RPC Service data ordered on
7 1-23-2014. Current Balance = \$1,176.56."

8 Q And, what does that, "Comment," reflect,
9 and what does it mean?

10 A Innovis RPC is another vendor.

11 Q And, what do they do for you?

12 A They also scrub for telephone numbers.
13 So it is my understanding that that end note
14 indicates that we sent them a file to retrieve or
15 validate telephone numbers.

16 Q Do you know what phone number you sent?

17 A We would have sent the account and any
18 telephone number on the account.

19 Q So, at this time, would it be that home
20 phone, that (313) 642-7096?

21 A Without looking at the physical account,
22 I'd be assuming as to what telephone numbers would
23 have been provided.

24 Q Okay. Would it include (313) 718-5574?

25 A Based on it being on the file already,

1 I can assume that it would be in that file,
2 but I can't validate that.

3 Q Now you said that you would be assuming
4 that the home phone -- you don't know whether or not
5 it was sent to Innovis.

6 Why can't you?

7 Because it's in the, "Debtors," section;
8 is it not?

9 A It is in the, "Debtors," section.

10 However, the files -- I don't have a --
11 I don't have a copy of the file format that we
12 sent. So I wouldn't want to say,

13 "Yes, 100 percent," that that number was in there.

14 But, based on our -- or my understanding
15 of our process, if the number was on the account on
16 the date that we sent the file to Innovis RPC,
17 that number would have been sent to Innovis.

18 Q And this is the information that you
19 received from DISH Network, correct, in the,
20 "Debtors," section?

21 A We did not discuss the telephone number.
22 So I did not validate that that was provided to us
23 by the client.

24 Q Okay. Next line.

25 A "1-23-2014, 11:51 p.m.," "Exchange."

1 Q What is Exchange?

2 A Again, Exchange is a platform that is used
3 to pull files and exchange from my understanding.

4 Q Would it be the same Exchange that has the
5 "HG"?

6 A It is my understanding that it is,
7 but I'm not 100 percent positive.

8 Q Go ahead. "Action," "Result"?

9 A "Action," "Result," all plus.
10 "Home --"

11 Q And, what does that mean, again, so we're
12 consistent?

13 A -- yes. All pluses from my understanding
14 means that we did not perform a specific action or
15 result other than generating a file.

16 Q All right. Go ahead.

17 A "Home (313) 918-7482 added."

18 Q Okay. What does that mean?

19 A From my understanding, that means that we
20 received that telephone number back from Innovis RPC
21 as a valid telephone number for Lakisha Smith.

22 Q And it was added to the account?

23 A Based on that note, yes.

24 Q When you say, "added to the account,"
25 what does that mean?

1 A It was placed in a field in which it would
2 be eligible to be dialed.

3 Q Now you said, "placed in a field ...
4 eligible to be dialed."

5 What field is that in?

6 What system is that in?

7 A That is Latitude.

8 What field that telephone number went to,
9 specifically, I could not tell you.

10 Q All right. When you guys place things
11 into Latitude, that's for yourself, and you can use
12 that later, correct?

13 A Potentially, yes.

14 Q Potentially.

15 Do you delete those accounts?

16 A We don't delete accounts.

17 Q Okay. So it's in your system, correct?

18 A Yes.

19 Q Explain what Latitude is.

20 A Latitude is an account database.

21 Q Okay. That Stellar keeps, correct?

22 A What do you mean by, "keeps"?

23 We have an account database that we place
24 our accounts in, and then we pulled record of what
25 takes place in the account.

1 Q On your server?

2 A That's a question I'm not sure I can
3 answer.

4 Q Okay. So, when you say, "Latitude,"
5 that's a software program, is it not?

6 A A software database. Yes.

7 Q Okay. And you put information into this
8 software.

9 A Yes.

10 Q And, where is it stored?

11 A I can't answer that question.

12 Q Okay. All right. Next line.

13 A "1-23-2014, 11:51 p.m.," "Exchange,"
14 "Action," and, "Result," all pluses,
15 "Home (313) 743-2821 added."

16 Q So that phone number is also added into
17 Latitude?

18 A Yes.

19 Q Okay. Next line, please.

20 A "1-23-2014, 11:51 p.m.," "Exchange,"
21 "Action," and, "Result," all pluses,
22 "Home, (313) 523-2310 added."

23 Q All right. So, based on these three
24 numbers added -- so now there are four numbers that
25 would be in Latitude?

1 A Based on the notes --

2 Q Four phone numbers.

3 A -- we have four readable telephone numbers
4 that I'm aware of.

5 If there's other numbers on the account,
6 I cannot speak to that.

7 Q But right now there are four that are in
8 the system, Latitude.

9 A What I'm trying to say is that there is
10 four noted that I can read went into the system or
11 were validated.

12 If there are more numbers on the account
13 right now, I can't speak to that.

14 Q All right. Next line.

15 A "1-23-2014, 11:51 p.m.," "FUSION," "REC
16 --" "REC," for, "Action," and, "Result."

17 I assume that means received.

18 "Innovis RPC Service returned."

19 Q Now that would be the three numbers above,
20 correct?

21 A Based on this note, yes.

22 Q Next line.

23 A "1-24-2014, 5:30 a.m.," "IDA --"

24 Q Now, "IDA," is what?

25 A -- IDA is our scrub vendor that handles

1 litigious and cell suppression scrubs.

2 Q Was that sent by a person, or did the
3 computer system send it?

4 A I'm not able to answer that.

5 Q Look at the time. It happened at
6 5:30 a.m.

7 A Yes.

8 Q Is your office open at 5:30 a.m.?

9 A We do have portions of our office open at
10 5:30 a.m., yes.

11 Q Okay. So a person could have sent this
12 over to the vendor, correct?

13 A A person could have sent that to the
14 vendor, yes.

15 Q Based on the notes, did a person do it,
16 or did the system do it?

17 A I'm not able to say that by the notes.

18 Q All right. Go ahead.

19 A "INFO," for the, "Action --" "Result,"
20 "SENT," "Comment," "File sent to IDA for cell scrub
21 for phone number (313) 918-7482."

22 Q Okay. So the next two would have been
23 based on what you received from Innovis, correct?

24 A Based on the notes, yes.

25 Q And the next line would reflect the home

1 phone number that's under the, "Debtors," section,
2 correct?

3 A Yes.

4 Q And, based on the account notes,
5 you had already sent over the (313) 718-5574,
6 correct?

7 A Yes.

8 Q All right. Picking back up with the time
9 entry on the same date at 5:56 a.m.

10 A Yes. 11- -- I'm sorry. "1-24-2014,
11 5:56 a.m.," "User," "IDA," "Action," "INFO,"
12 "Result," "REC," which I assume is received,
13 "Comment," "IDA Cell Scrub for phone number
14 (313) 918-7482 resulted in a match. Phone number
15 updated to cell due to match."

16 Q Okay. So, based on that information,
17 (313) 918-7482 is a cell phone, correct?

18 A Yes.

19 Q Next line.

20 A "1-24-2014, 5:56 a.m.," "IDA," "INFO,"
21 "REC," "IDA Cell Scrub for phone number
22 (313) 743-2821 resulted in a match. Phone number
23 updated to cell due to match."

24 Q All right. Now the next line.

25 A "1-24-2014, 5:56 a.m.," "User," "IDA,"

1 "Action," "INFO," "Result," "REC," "IDA Cell Scrub
2 for phone number (313) 523-2310 resulted in a match.
3 Phone number updated to cell due to match."

4 Q Okay. And the next line.

5 A "1-24-2014, 5:57 a.m.," "User," "IDA,"
6 "Action," "INFO," "Result," "REC," "IDA Cell Scrub
7 for phone number (313) 642-7096 resulted in --
8 resulted in no match. Phone number not updated."

9 Q All right. Now the three numbers that
10 resulted in matches to being cell phones -- that was
11 provided by, which vendor?

12 A Innovis RPC.

13 Q Do you know how they got the numbers?

14 A No.

15 Q Now, when you indicate that the phone
16 number update to cell is a match, what do you do in
17 your system?

18 A The telephone number stays as a phone type
19 cell.

20 Q Why is that important?

21 A Home numbers, cell phone numbers,
22 work numbers -- we'd like to indicate what type of
23 telephone number that we're calling on.

24 Q Did you have Lakisha Smith's consent to
25 call on the three that matched cell phones?

1 A Without looking at the specific account,
2 I couldn't answer that.

3 But, based on the notes, I would say,
4 "No."

5 Q Okay. What about (313) 718-5574?
6 Did you have her consent to call on that
7 number?

8 A Again, without looking at the specific
9 account, I would be unsure.

10 But, based on the notes, no.

11 Q Let's go to Page 2 of 5. Please read it,
12 and tell me what each column means.

13 A "1-25-2014, 10:15 a.m.," "User,"
14 "LiveVox," "Action," "TO," "Result," "NA."

15 Q Now let's stop for a second.

16 What does, "TO," mean?

17 A Telephoned other.

18 Q Telephoned other?

19 A (nodded head affirmatively)

20 Q And, when you say, "telephoned other,"
21 what does that mean?

22 A It is my understanding the result codes
23 are, "TR," "TO," "TE."

24 "TR," meaning telephoned residence.

25 "TO," meaning telephoned other, and, "TE --"

1 telephoned employment.

2 Q All right. So this indicates telephoned
3 other, correct?

4 A Yes.

5 Q And that would be a cell phone?

6 A It could be a cell phone.

7 Q What could it be other than a cell phone?

8 A Anything other than work or home.

9 Q What could it be other than the residence
10 or the employer?

11 A Any other telephone number that we have
12 been provided in order to reach the consumer,
13 not a confirmed home number for the consumer and not
14 a confirmed employment number for the consumer.

15 Q Generally speaking, does, "TO," refer to
16 cell phones?

17 A No.

18 Q What does it refer to?

19 When you say, "other," it could be like a
20 --

21 A Any other telephone number besides a --
22 a confirmed home number or a work number for the
23 consumer.

24 Q -- all right. Okay. "NA --" what is
25 that?

1 A No answer.

2 Q No answer?

3 A Yes.

4 Q Okay, okay. Please.

5 A "(313) 718-5574, NA, No Answer,
6 00:2014-1-25."

7 Q No, no, no. Back up. You have the
8 number sign, correct, the pound sign?

9 A Pound.

10 Q Then you have a colon, right?

11 A Yes.

12 Q Then you have an, "NA."

13 A Yes.

14 Q "NA," stands for no answer, correct?

15 A Yes.

16 Q Then you have another colon.

17 A Yes.

18 Q You have, "NA," correct?

19 A Yes.

20 Q And that stands for no answer, correct?

21 A Yes.

22 Q You have a colon.

23 A Yes.

24 Q And then it says, "No Answer."

25 A Yes.

1 Q Okay. Why do you have the, "TO,"
2 as an abbreviation, and the third spelled out as,
3 "No Answer"?

4 The system does that?

5 A The system does that.

6 Q All right. Go ahead. After, "No Answer."

7 A Colon.

8 Q No, no, no. Where are you referring to?

9 A The, "No Answer," in the line where you
10 stopped reading.

11 Q Okay. I have like, "00."

12 A Right. Just after, "No Answer," there was
13 a colon.

14 Q Okay.

15 A Okay. "O --" I believe "-- 0:2014-01-25."

16 Q And that would represent the date,
17 correct?

18 A Based on that note, I believe so, yes.

19 Q And that's the same date as the date and
20 time at the very beginning of that --

21 A To the left, yes.

22 Q -- all right. Next line, please.

23 A "1-25-2014, 10:18 a.m.," "User,"
24 "LiveVox," "Action," "TO," "Result," "WN."

25 Q What's, "WN"?

1 A Wrong number.

2 "Comment," "10 --"

3 Q Hold on. Wait a minute. Hold on just
4 a second. Okay. Please.

5 A -- "Comment," "10:15:00: --"

6 Q What does that mean?

7 A -- I'm not sure.

8 Q All right. Go ahead.

9 A "-- :DISH-RPC-DISH_PRIMES --"

10 Q And, what does that mean?

11 A "-- DISH_PRIMES," is DISH Network PRIMES
12 placement.

13 Q And, what does, "RPC," stand for?

14 A Right party connect.

15 Q Okay. Go ahead.

16 A "-- -20140125.csv --"

17 Q What is, "csv"?

18 A -- "csv," is a type of Excel file.

19 Q Please.

20 A ":acct=8255909659311374 --"

21 Q And the account would be the same as
22 reflected on the first page?

23 A -- yes.

24 Q Okay. Go ahead.

25 A "lvr --"

1 Q What's, "lvr"?

2 A -- I'm not sure.

3 Q Go ahead.

4 A "-- =41 lar=NA."

5 Q Okay. Who would know what, "lvr," is at
6 your office?

7 A I could find out what it is based on my
8 access to our LiveVox system.

9 Q Okay.

10 A I just don't know off the top of my head.
11 Could you do that over the lunch break?
12 Is that possible?

13 A I might be able to. I can't guarantee
14 that.

15 MS. EMERY: We'll try, Steve.

16 MR. THOMAS: Okay. That's all I can ask.

17 MS. EMERY: Sure.

18 MR. THOMAS: All right.

19 BY MR. THOMAS:

20 Q "=41 --" and you don't know what that
21 means then, correct?

22 A Without looking in the system, no.

23 Q All right. Do you know what, "lar=NA,"
24 means?

25 A I have -- I have an idea, but I --

1 Q No. I don't want to you guess.

2 A -- would like to confirm.

3 Q I don't want you to guess.

4 Okay. Please.

5 A "#3139187482#:99 --"

6 Q Do you know what the, "99," means?

7 A -- no.

8 But I will take a step back and say we're
9 actually into the next note line. So I apologize.

10 The end, where it says, "lar=NA," is the
11 previous note line.

12 Q Understood. Thank you.

13 Okay. Let's go to the next note line,
14 please.

15 A Okay. "1-25-2014, 10:18 a.m.," "User,"
16 "LiveVox," "Result," "TO --" I'm sorry. "Action,"
17 "TO," "Result," "WN," "# --"

18 Q Okay. "TO --" telephone other, correct?

19 A -- telephone other, uh-huh.

20 "Comment," "# --"

21 Q Now, "WN --" wrong number?

22 A -- wrong number.

23 Q Okay.

24 A "#3139187482#:99 --" and I'm not sure
25 what, "99," is "-- #WN --" I'm sorry

1 "-- :WN:Bad Number Identified:00:2014-01-25."

2 Q You said, "Bad Number Identified."

3 You mean it was a wrong number?

4 A Based on the note there, yes. It's a
5 wrong number.

6 Q All right. Okay. Next line.

7 A "10:18:00: --"

8 Q Where are you?

9 What are you referring to now?

10 A -- just below the previously read line,
11 "Wrong Number:Bad Number Identified," with the date
12 range.

13 I'm right here now below it (indicated),
14 "10:18: --"

15 Q Okay. Go ahead.

16 A "--

17 OO:DISH-RPC-DISH_PRIMES-20140125.csv:acct=825590965
18 9311374," "lvr=19 lar=99."

19 Q Okay. Next line.

20 A "1-25-2014, 10:25 a.m.," "eeastman," "TP,"
21 "WN," "Bad Number/Debtor(1)/(313) 743-2821."

22 Q Okay. So this, "eeastman --" what does
23 that mean?

24 A That's an agent's User ID.

25 Q Okay. What agent is that?

1 A E. Eastman.

2 Q First name initial is, "E," and last name
3 is, "Eastman"?

4 A Yes.

5 Q Do you know that person's first name?

6 A If memory serves, it's Enskat.

7 Q What's that?

8 A Enskat.

9 Q Enskat.

10 A (nodded head affirmatively)

11 Q Now the, "TP --" we went over, "TO,"
12 "TR," and, "TE."

13 What's, "TP"?

14 A It is my understanding that it's third
15 party, but I could validate that for you while
16 I'm trying to get you the other information as well.

17 Q And that line would indicate that that was
18 a bad number.

19 A That line indicates that Ms. Eastman
20 performed an action changing the telephone number of
21 (313) 743-2821 from a good or active number to a bad
22 number.

23 Q And that was based upon the actions that
24 LiveVox did earlier?

25 A Based on the notes, the LiveVox line from

1 10:21 a.m. and E. Eastman's telephone line are known
2 -- line -- I'm sorry -- from 1-25 at
3 10:25 a.m. are the same telephone call.

4 The LiveVox line, at 10:21 a.m., is where
5 LiveVox provides us with the noted results within
6 the dialing technology.

7 And then the note line from E. Eastman is
8 her performing the actions within the database.

9 Q Okay. What line are you referring to from
10 LiveVox that they made contact on the (313) 743-2821
11 --

12 A The Line, "1-25-2014, 10:21 a.m."

13 Q -- understood. Okay. And the next line
14 from E. Eastman would be more notes reflected based
15 on the LiveVox wrong number, correct?

16 A Those are actions that Ms. Eastman
17 performed based on the telephone call that was
18 provided to her from LiveVox.

19 Q All right. Go ahead, and read that line.
20 That's her second line.

21 A "1-25-2014, 10:25 a.m.," "User,"
22 "eeastman," "Action," and, "Result," code all
23 pluses, "Comment," "Cell (313) 743-2821 for
24 debtor(1)'Smith, Lakisha's status changed from
25 Unknown to Bad."

1 Q And the next line indicates, "SYSTEM."
2 The system changed it to, "Bad"?

3 A It's a corresponding note to E. Eastman's
4 first action that she took,
5 "Bad Number/Debtor(1)/(313) 743-2821."

6 When she performed that action, it then
7 triggered the next two notes, the first from
8 E. Eastman where it changed -- it showed her
9 changing the telephone number from, "Unknown," to,
10 "Bad."

11 And then the next line where it says,
12 "SYSTEM," as, "User," "Cell (313) 918-7482 for
13 debtor ... Lakisha Smith changed to Bad," is a
14 corresponding note to that action taking place.

15 And I'm trying to look for the call.
16 Okay.

17 Q It would be the second one?

18 A It's, yeah, the second one on this page.

19 So that system change is the corresponding
20 note line to the Latitude first, "Wrong Number,"
21 note line, and the second Latitude -- I'm sorry --
22 LiveVox, "Wrong Number," line ending in -2821
23 telephone number corresponds to Enskat Eastman's
24 change.

25 Q Okay. January 28th, 2014, the one for

1 3:08 a.m., please.

2 A "User," "SYS," which is "SYSTEM,"
3 "Action," and, "Result," all pluses, "Status changed
4 from NEW to ACTIVE. New Business 5 Day Sweep."

5 Q And, what does that mean?

6 A Business rule -- go ahead.

7 Q "Status changed from NEW to ACTIVE.
8 New Business 5 Day Sweep --" what does that mean?

9 A "Status changed from NEW to ACTIVE.
10 New Business 5 Day Sweep"?

11 Q Yes.

12 What does that mean?

13 A Business rule is, for the first five days
14 that an account is in our office, it will stay at a,
15 "NEW," status.

16 After that, it will move to the relative
17 status of the account, unless the relative status,
18 within the first five days, is a closure code,
19 which could be bankruptcy, deceased, hold or
20 something of that nature.

21 Q All right. So now that note reflects that
22 it changed from, "NEW," and now it's, "ACTIVE,"
23 correct?

24 A Yes.

25 Q But there was activity from LiveVox on

1 January 25th, correct?

2 A Yes.

3 Q Well, let me ask you this:

4 Why did LiveVox make a call prior to it
5 moving from, "NEW," to, "ACTIVE"?

6 A The status, "NEW," does not prevent
7 telephone calls. It is to simply reflect the first
8 five days of the account being placed in our office.

9 Q All right. Next line.

10 A "1-28-2014, 8:57 a.m.," "User,"
11 "LiveVox," "Action," "TO," "Result," "NA,"
12 "#3137185574#:NA:NA:No Answer:00:2014-01-28."

13 Q All right. Now, for the next lines,
14 what I'll do is I'll look at them, and I'll have
15 specific questions. I think I'm up to speed on your
16 code system.

17 Okay?

18 A Okay.

19 Q On the next line -- question.

20 What is, "AM"?

21 A Answering machine.

22 Q Okay. Let's go down to date,
23 "February 7th, 2014," and with, "bburnside."

24 Do you see where I'm referring?

25 A "7:56 a.m."?

1 Q Yes.

2 A Yes.

3 Q Please read that line.

4 A "2-7-2014, 7:56 a.m.," "User,"
5 "bburnside --"

6 Q And, who is, "bburnside"?

7 A -- at that time, president of
8 Stellar Recovery.

9 Q His name or her name?

10 A Bob Burnside.

11 Q Okay. Go ahead.

12 A "Action," "Letter," "Result," "Request."

13 Q So Stellar sent a letter?

14 A We requested a letter to be sent. Yes.

15 Q Okay. Go ahead.

16 A "Comment," "Dunning letter DISH1:DISH
17 Network 1st Notice requested."

18 Q Okay, okay. I'm on Page 3 of 5, which
19 also has, "00005."

20 Are you on that page?

21 A Yes.

22 Q Okay. I want you to look at the fifth
23 line, "February the 12th, 2014."

24 A Yes.

25 Q Please. Could you do that line?

1 A "2-12-2014, 2:53 a.m.," "User," equals,
2 "SYSTEM," "Action," and, "Result," code all pluses,
3 "Cell (313) 718-5574 for debtor(1) Lakisha Smith
4 changed to TCPA."

5 Q Could you explain what that means,
6 the, "Comment"?

7 A The system changed telephone number
8 (313) 718-5574 from, "cell phone," to, "TCPA."

9 Q What does that mean?

10 A It changed the phone type.

11 If you need me to be more specific,
12 I'm sorry. Please ...

13 Q Yes.

14 What changed to TCPA?

15 "TCPA," to me, means one thing.

16 To you, it might mean another.

17 What does, "TCPA," mean?

18 A In this -- in this situation, it's a phone
19 type.

20 Q It's a, what now?

21 A It's a phone type.

22 Q Could you be more specific?

23 "Phone type"?

24 A Yes.

25 In our system, we have home phone type,

1 cell phone type, work phone type, and this line
2 indicates that it is a TCPA phone type.

3 Q And, what does that mean?

4 A Could you be more specific?

5 Q Okay. When you changed it to a TCPA,
6 what did you do?

7 And, why did you do it?

8 A At the time, I was not aware of the logic
9 that was used to change -- or to determine those
10 phone numbers and to make those changes.

11 Q What does, "TCPA," stand for to you?

12 A In regards to the system current day,
13 it's a telephone number -- it's a cell phone number
14 in which we do not have permission or consent from
15 the consumer to dial.

16 Q Okay. So, "TCPA," would be the
17 Telephone Consumer Protection Act?

18 MS. EMERY: Object to the form.

19 THE WITNESS: I am aware of it being the
20 Telephone Consumer Protection Act.

21 BY MR. THOMAS:

22 Q Okay. So that means, "Don't call that
23 number," correct, based on that note?

24 A It means that we do not have consent --
25 at that time -- to call that number.

1 Q Okay. And, would it be fair to say,
2 throughout the rest of the Exhibit 2, there were no
3 other phone calls made to that phone number?

4 A You can take your time.

5 A Can you repeat your question?

6 Q Okay. You're looking at Exhibit No. 2,
7 correct?

8 A Yes.

9 Q Okay. Would it be fair to say, from that
10 entry on February the 12th, 2014, at 2:53 a.m.,
11 there were no more phone calls to cell phone number
12 (313) 718-5574?

13 A That's not a true statement.

14 Q Show me in the notes where there was
15 another phone call made to that cell phone number.

16 A Page 3 of 5, also labeled as, "00005 --"

17 Q 3 of 5?

18 A -- uh-huh.

19 Q Okay.

20 A Note line dated for, "3-11-2014, at
21 8:18 a.m."

22 Q "8:18," right?

23 A Yes.

24 Q All right. Any other calls?

25 A Yes. Page 4 of 5, also known as, "00006."

1 Q What line?

2 A "4-2 of 2014, at 2:23 p.m."

3 Q You said, "Page 3 of 5 (sic)"?

4 A No.

5 "Page 4 of 5."

6 Q 4 of 5.

7 Okay. At, what time?

8 A 4 -- I'm sorry. On 4-4 at 8:50 a.m.

9 Q 4-4?

10 A Uh-huh.

11 Step back. I apologize. I was already
12 cued for the next ...

13 "4-2-2014, 2:23 p.m.," was one. There is
14 an additional one at, "4-4, 8:50 a.m."

15 Q Okay. No, no, Slow down.

16 A Yes.

17 Q Okay. Go ahead.

18 A Another at, "4-8-2014, 2:25 p.m."

19 Q Okay. Where else?

20 A "4-17 --"

21 Q At what time?

22 A -- I take that back. "4-16, at 1:31 p.m."

23 Q All right.

24 A The 4-17 note line that I just referenced
25 was actually when we changed it from -- or changed

1 it to, "Bad."

2 Q Okay. Anywhere else?

3 A No.

4 Q Okay. Now February 12th, 2014, you
5 changed it to, "TCPA."

6 That means that you didn't have consent to
7 call that number, correct?

8 A Correct.

9 Q All right. On March the 11th, 2014,
10 LiveVox, on your behalf, called that number,
11 correct?

12 A Yes.

13 Q Why is that?

14 A The note line indicates that we used the
15 HCI platform within LiveVox to dial that telephone
16 number.

17 Q Okay. Well, we'll get to the HCI later.
18 Okay?

19 A (nodded head affirmatively)

20 Q And then, on Page 4 of 5,
21 "April 2nd, 2014, at 2:23 --" what system was used
22 then?

23 A HCI.

24 Q And, how do you know that?

25 A The note line reads, "TU --" I'm sorry.

1 "TO," "HU --"

2 Q What does, "HU," stand for?

3 A -- hung up --

4 Q Okay.

5 A "-- #3137185574 ..."

6 Would you still like me to read all the
7 colons and stuff?

8 Q Please.

9 A Okay. "#:HU:HU:Third Party Hung
10 Up:00:2014-04-02."

11 The note or the line directly below that
12 line --

13 Q It has the, "HCI."

14 A -- it has the, "HCI," on it -- is the
15 continued of that note line.

16 Q Okay. So that line -- you know, you see
17 that line that separates the two -- that shouldn't
18 really be there. It's kind of confusing.

19 A It does reflect confusing here.

20 When you look at the actual physical
21 Latitude system, that note line is accurate.

22 Q Okay.

23 A It's in -- it's within the lines.

24 Q Okay.

25 A Yes.

1 Q Okay. And then the call, at 2:25 on
2 April the 8th, indicates that the HCI was used then,
3 too, correct?

4 A Yes.

5 Q All right. And the, "4-16-2014, at
6 1:31," indicates the, "HCI," correct?

7 A Yes.

8 Q What is, "HCI"?

9 What is that?

10 A Human Call Initiator.

11 Q All right. When did you start using that
12 in conjunction with LiveVox?

13 A We did start using it early 2014.
14 I don't know the exact date.

15 Q Okay. Drawing your attention to
16 Page 5 of 5, on, "May 7th of 2014, at 3:14 a.m. --"
17 "SYSTEM --" could you tell me what that reflects in
18 the, "Comment" section?

19 A "Status changed from ACTIVE to SKIP --"
20 "SKP."

21 Q Yes.

22 What does that mean?

23 A An account is eligible for the SKP status
24 when there is no longer a good telephone number.

25 Q Okay. And that referenced the number

1 prior?

2 A No.

3 It references the fact that, through all
4 five pages of these notes, all potential telephone
5 numbers for Lakisha Smith on Latitude had all at one
6 point been marked, "Bad."

7 So we no longer have, in Stellar's eyes,
8 a telephone number to reach out to Lakisha.

9 Q Why?

10 Why did Stellar feel that they could not
11 reach out to phone number (313) 718-5574?

12 A On Page 4 of 5 --

13 Q Okay --

14 A -- note line on 4-16 of 2014 is where we
15 phoned that telephone number and were advised,
16 at some point, that that number was no longer a
17 working number.

18 Q Who would have advised you of that?

19 A Based on the note line, a disposition in
20 LiveVox indicates that the number is not a good
21 number.

22 Q All right. Going back to Page 5 of 5 on
23 Exhibit 2, the next line on the same date,
24 "May 7th, 2014, at 8:56 a.m. --" let's go over that
25 line by line, column by column.

1 A "5-7-2014, 8:56 a.m.," "Exchange --"

2 Q That's the internal system, correct?

3 A -- yes.

4 "Action," "INFO --"

5 Q And, what's, "INFO"?

6 A -- information.

7 Q What does it mean in this context?

8 A I know it to mean information.

9 Q So the, "Action," was, "INFO."

10 A And the, "Result," was, "Received," "REC."

11 Q Okay. Go ahead.

12 A "Bankruptcy information received from
13 Phin Solutions --"

14 Q All right --

15 A "-- Account closed as bankrupt."

16 Q -- all right. Who is Phin Solutions?

17 A Our scrub vendor.

18 Q How often do they scrub for bankruptcy on
19 your accounts?

20 A Daily.

21 Q Daily?

22 A Phin Solutions performs what we call,
23 "a trigger program."

24 Q Okay.

25 A So, when we get our accounts placed,

1 upon placement, they go to TLO.

2 Q TLO?

3 A TLO does the initial bankruptcy and
4 deceased scrubs, which is what we saw on the first
5 note lines in the account.

6 Q Yes.

7 A And then that same day the account will
8 also go to Phin, and Phin holds the accounts until
9 we tell them that they're closed in our office.

10 And that's there because, if a consumer
11 files bankruptcy, at any point in time during us
12 having the account, we want to be notified to close
13 that account.

14 Q Okay.

15 A So that's what took place there.

16 Phin Solutions had our account from the
17 the date of placement, and, at some point relative
18 to that date, they were notified that Lakisha Smith
19 filed bankruptcy.

20 They notified us. We closed the account.

21 Q Okay. Let's do the next line.

22 A "5-7-2014, 8:56 a.m.," "User,"
23 "Exchange," "Action," and, "Result," all plus,
24 "Status changed/Skip, SKP/B07/Account Closed."

25 Q Okay. The, "SKP --" once again,

1 what does that mean?

2 A Skip.

3 Q Skip.

4 So, at that point, you had no numbers to
5 call her, correct?

6 A Correct.

7 Q Then you changed it from, "Skip," to,
8 "Bankruptcy."

9 A Correct.

10 Q Okay. So, in other words, even though you
11 had no phone numbers to call, you wouldn't send any
12 letters, Dunning letters or any other -- on this
13 particular account.

14 A If an account is in an SKP status,
15 it's eligible for a letter.

16 Q Yes. Correct.

17 A Correct.

18 But the, "B07," means that we would not
19 send a letter.

20 Q That's my point.

21 So, when you see the, "B07," that means no
22 Dunning letters.

23 A Correct.

24 Q Next line.

25 A "5-7-2014, 11:26 a.m.," "User," "SYSTEM,"

1 "Action," "crupd," "Result," "delete."

2 Q Hold on. Let's back up. "crupd --"
3 what's that?

4 A I'm not sure what that is.

5 Q Can you find out?

6 A Yes.

7 Q Go ahead.

8 A "Comment --" I'm sorry. "Account deletion
9 submitted in credit bureau report file."

10 Q And, what does that mean?

11 A The status changed from, "Skip," to,
12 "B07."

13 "B07," is a closed status, and that
14 triggered for a deletion of the account to be
15 submitted to the credit reporting agencies.

16 Q Okay. And the last line, please.

17 A "5-8-2014, 8:36 a.m.," "User," "Exchange,"
18 "Action," "INFO," "Result," "Delete," or, "DEL."

19 Q And, "DEL," means delete?

20 A Yes.

21 Q Okay.

22 A "Account recalled from Phin Solutions for
23 Bankruptcy/Deceased monitoring due to account
24 closure."

25 Q All right. So, at this point, it would

1 be fair to say that this account -- the debtor has
2 filed bankruptcy, and you stopped all collection
3 activity as far as DISH, correct?

4 A Correct.

5 Q Now, do you keep this information on
6 Lakisha Smith in your records?

7 A Yes.

8 This account will stay in this state in
9 Latitude.

10 Q Okay. So my question is, if you got
11 another account through another customer, it would
12 be in your system that she filed bankruptcy,
13 correct?

14 A It would be in our system that pertaining
15 to Lakisha Smith and this DISH Network account
16 matched with the Social Security number provided
17 from DISH Network and the address used that this
18 account was eligible for that bankruptcy.

19 When we receive a new account, we also
20 check to make sure that that is included in a
21 bankruptcy on its own.

22 Because just because Lakisha Smith filed
23 bankruptcy doesn't mean that she included the next
24 account in that bankruptcy. So we do that
25 validation process.

1 Q Okay. So, when you get a new account,
2 new customer --

3 A Uh-huh.

4 Q -- first of all, how many customers do you
5 have?

6 MS. EMERY: Object to the form.

7 THE WITNESS: "Customers," meaning,
8 "Consumers"?

9 BY MR. THOMAS:

10 Q DISH.

11 A DISH?

12 Clients.

13 Q Clients.

14 How many clients?

15 A More than ten. I'm not sure of the exact
16 count.

17 Q More than ten?

18 A Uh-huh.

19 Q Okay. And you don't have to go through
20 these ten.

21 A Okay.

22 Q All right. When you get a new client --

23 A Okay --

24 Q -- do you run it through your internal
25 system to see whether or not that person is deceased

1 or has filed bankruptcy before collecting on the new
2 client's file?

3 A We don't run it through our current
4 database.

5 We run it back through the vendors,
6 again. So we utilize the vendors for the fresh
7 source on the new accounts.

8 Q You don't do it internally.

9 A We do have a linking process, but it's a
10 very specific match for a link, meaning that the
11 first and last name and the Social Security numbers
12 would have to match in order for those to link
13 together.

14 And, if that link is accurate, it could
15 adopt the previous statuses. We do that with
16 telephone numbers, specifically.

17 But, if we receive an account in our
18 office, it will go through the fresh set of scrubs.
19 We want to treat it as if it's its own entity.

20 Q Okay. So you do the fresh scrubs.

21 A Uh-huh.

22 We send it through the same process that
23 we've read through on this account.

24 Q On the account.

25 A Uh-huh.

1 Q "Yes"?

2 MR. THOMAS: It's for the court reporter.

3 You went, "Uh-huh."

4 THE WITNESS: Yes.

5 COURT REPORTER: Thank you.

6 BY MR. THOMAS:

7 Q Okay. And, also, if the name and
8 Social Security match, that's also another way of
9 finding out, correct?

10 A That's a way of linking --

11 Q Linking.

12 A -- the account in our office.

13 I can't speak to at the time if that would
14 have caused the account to close. We would have
15 then sent it through the scrub vendors.

16 Q Okay. I'm handing you what has previously
17 been marked as Plaintiff's Exhibit 3.

18 Do you recognize that?

19 A This is the first time I've seen this.

20 (Whereupon, a copy of the Notice of
21 Chapter 7 Bankruptcy Case, Meeting of
22 Creditors, & Deadlines, filed on 5-6-14,
23 and entered on 5-6-14, Docket 8, last-above
24 referred to was marked for identification for
25 the record as Plaintiff's Exhibit No. 3.)

1 BY MR. THOMAS:

2 Q Okay. Have you ever seen this form?

3 Would you look at the top of Exhibit 3?

4 It says, "B9A (Official Form 9A)
5 (Chapter 7 Individual or Joint Debtor No Asset
6 Case)."

7 Have you ever seen that form before?

8 A This will be the first time I've seen this
9 form.

10 Q Okay. Looking at the form, do you see
11 where Lakisha T. Smith's name is indicated?

12 A Yes.

13 Q Okay. And, do you see the address?

14 A Yes.

15 5 --

16 Q Go ahead.

17 What's the address?

18 A -- 5308 Philip.

19 Q And, is that the same address that's
20 indicated on Exhibit No. 2?

21 A Mostly.

22 It's missing the, "Street."

23 Q Without the, "Street"?

24 A Yeah.

25 Q Okay. And the same city and state and

1 ZIP Code?

2 A Yes.

3 Q Okay. Now, looking at the Social Security
4 -- just for the record, in bankruptcy, they don't
5 give the full Social Security. They only give the
6 last four digits.

7 Okay?

8 A Okay.

9 Q All right. Would the last four digits on
10 this form match the last four digits in Exhibit 2?

11 A Yes.

12 Q Okay. And, do you see where this case was
13 filed, on May the 6th, 2014, at the top, where it
14 says, "Notice of Chapter 7 Bankruptcy Case,
15 Meeting of Creditors, & Deadlines"?

16 Do you see that line in bold?

17 A Yes.

18 Q If you'd look right below it --
19 "A chapter 7 bankruptcy case concerning the debtor
20 listed below was filed on 5-6-14."

21 Do you see that?

22 A Yes.

23 Q You do see it?

24 A (nodded head affirmatively)

25 Q Okay. And, going back to Exhibit No. 2,

1 on the last page, Phin Solutions --

2 A Yes --

3 Q -- they notified you the very next day.

4 A -- yes.

5 Q They did a good job for you.

6 A Okay.

7 Q Would you agree?

8 A Yes.

9 Q Okay. So you knew about the bankruptcy
10 filing the day after it was filed, correct?

11 A For Lakisha Smith matching that
12 Social Security number, yes.

13 MS. EMERY: Are you able to hear her?

14 COURT REPORTER: Yes.

15 THE WITNESS: Do, what?

16 COURT REPORTER: She just asked me if I
17 was able to hear you.

18 THE WITNESS: Oh, okay. I'll try to be
19 louder.

20 COURT REPORTER: Thank you.

21 BY MR. THOMAS:

22 Q Okay. I'm handing you what has been
23 previously marked as --

24 MR. THOMAS: You can hand back 1 and 3.

25 THE WITNESS: (tendered exhibits)

1 MR. THOMAS: Thank you.

2 THE WITNESS: Uh-huh.

3 MS. EMERY: This one is 4?

4 MR. THOMAS: Yes.

5 (Whereupon, a copy of the Notice of

6 Chapter 7 Bankruptcy Case, Meeting of

7 Creditors, & Deadlines, filed on 5-8-14,

8 and entered on 5-9-14, Docket 9, last-above

9 referred to was marked for identification as

10 Plaintiff's Exhibit No. 4.)

11 BY MR. THOMAS:

12 Q Now Exhibit 4 is the same bankruptcy form
13 as Exhibit 3, correct?

14 Oh, I took it back from you. I'm sorry.
15 Here you go. I'll let you look at it.

16 A (perused exhibits)

17 Q Let me represent to you that they're the
18 same on the first page.

19 Would you agree?

20 A Based on simple visual, I would say,
21 "Yes."

22 Q Okay. Well, you can take your time.

23 Go ahead, and take your time. The only thing that
24 I can note that's different is one is --

25 A (indicated)

1 Q -- exactly.

2 One is, "Docket 8," and the other is,
3 "Docket 9."

4 A That is what I can see is different as
5 well.

6 Q Okay. And Docket No. 9 is the
7 Proof of Service.

8 Could you go to Page 3 of Exhibit 4?

9 It reflects a, "CERTIFICATE OF SERVICE
10 (sic)."

11 Do you see that?

12 A "CERTIFICATE OF NOTICE"?

13 Q Yes.

14 A Yes.

15 Q Okay. And, do you see where you have
16 Lakisha Smith and her address?

17 A Yes.

18 Q Okay. Let's go through it.

19 Could you read the first line starting
20 with, "Notice"?

21 A "Notice by first class mail was sent to
22 the following persons/entities by the Bankruptcy
23 Notice --" or sorry "-- Noticing Center on
24 May 8th of 2014."

25 Q Okay. And you see where they sent it to

1 Lakisha Smith?

2 A Yes.

3 Q Okay. Look down further.

4 Do you see, "Stellar Recovery, Inc."?

5 A Yes.

6 Q Okay. And, could you read that line
7 starting with the ID number?

8 A "22857242," "+Stellar Recovery, ..."

9 "4500 Salisbury Road, Suite 10, Jacksonville,
10 Florida 32216-8035."

11 Q Is that the correct address for
12 Stellar Recovery?

13 A No, it's not.

14 Q What is the correct address?

15 A 4500 Salisbury Road, Suite 105.

16 Q 105?

17 A (nodded head affirmatively)

18 Q Okay. Now, if mail goes to Suite 10,
19 would you guys still get it?

20 A I do not believe there is a Suite 10 in
21 our office.

22 Q Okay. So your position is you don't know
23 whether or not you received this based on --

24 A I'm not sure whether we received this at
25 all.

1 Q -- okay. Is there anyone in your office
2 that can answer the question of whether or not you
3 received that notice?

4 A There may be, but I'm not sure who that
5 would be.

6 MR. THOMAS: Can I have the exhibits
7 back?

8 THE WITNESS: (nodded head affirmatively)
9 (tendered exhibits)

10 MR. THOMAS: Thank you. That one, too.

11 THE WITNESS: (tendered exhibit)

12 BY MR. THOMAS:

13 Q Now, when you received notice through
14 your vendor, Phin Solutions -- is that the name of
15 them?

16 A That is who does our trigger for
17 bankruptcy and deceased, yes.

18 Q Phin Solutions, right?

19 A Yes.

20 Q Okay. Did you do anything else as far as
21 Ms. Smith's bankruptcy, as far as researching it?

22 A I'm not sure.

23 Q Okay. Did you review her bankruptcy
24 petitions and schedules?

25 Would that be a normal procedure to do?

1 A I'm not sure.

2 Q You're not sure if you did, or you're not
3 sure if that's the normal procedure?

4 A I'm not sure if we did or if that's the
5 normal procedure.

6 Q Who would know at your office whether or
7 not reviewing Ms. Smith's bankruptcy schedules would
8 be the normal procedure and, in fact, whether or not
9 it was done in this case?

10 A I'm not exactly sure who that would be,
11 but we could find out.

12 Q Okay. And, can you find that out over
13 lunch?

14 A We should be able to -- yes.

15 MS. EMERY: We'll do our best.

16 THE WITNESS: Are you going to be able to
17 provide that list to me so that I know exactly
18 what I'm getting for you over lunch?

19 MR. THOMAS: Yes. I'll do that.

20 THE WITNESS: Okay. Thank you.

21 MR. THOMAS: Yes. No problem.

22 MS. EMERY: I think I have a list, as
23 well, Kendra.

24 THE WITNESS: Okay.

25 BY MR. THOMAS:

1 Q Now you indicate you've been working with
2 Stellar Recovery since 2013?

3 A Yes.

4 Q Okay. Have you ever known a time when you
5 reviewed a debtor's schedules, bankruptcy schedules,
6 after they filed bankruptcy?

7 A I'm not aware.

8 Q Does Stellar Recovery have a PACER
9 account?

10 A I'm not sure what that is.

11 Q Okay. Public Access ...

12 MR. THOMAS: You can help me, if you
13 can.

14 MS. EMERY: -Electronic Records.

15 I am not sure what the, "C," means.

16 MR. THOMAS: Right.

17 BY MR. THOMAS:

18 Q It's a database that you can go onto and
19 look at anything that was filed in a bankruptcy or a
20 civil proceeding.

21 You don't know.

22 A I don't know.

23 Q Okay. So you don't know whether or not
24 Stellar has a PACER account.

25 A Correct.

1 Q All right. I am handing you what has been
2 previously marked as Plaintiff's Exhibit No. 5.

3 I want you to look at that.

4 A (perused exhibit)

5 Q And, do you recognize what it is?

6 A Yes.

7 (Whereupon, a copy of the document titled,
8 "Summary," "LSMITH VS STELLAR," with a
9 Start Date of 5-19-2014 and an End Date of
10 5-18-2015, last-above referred to was marked
11 for identification for the record as
12 Plaintiff's Exhibit No. 5.)

13 BY MR. THOMAS:

14 Q What is it?

15 A This is a LiveVox Call Log.

16 Q And, was that prepared and stored in the
17 normal course of business?

18 A Yes.

19 Q Okay. And, does it relate to the
20 collection activities pertaining to Ms. Smith?

21 A Yes.

22 Q Now I notice that that Exhibit No. 5 is
23 different than the Account History, No. 2.

24 Let me show that to you, again.

25 Do you have an Account History for

1 Ms. Smith as it relates to Comcast?

2 A As it relates to the account which is
3 listed here on the Call Log as, "Account"?

4 Q No.

5 I'm not referring to the Call Log.
6 I'm talking about every activity where you have --

7 A I was attempting to answer that question.

8 Q -- okay. I'm sorry.

9 A That's okay.

10 "Account," on the Call Log, "12884152 --"
11 that is known as, "Account ID."

12 Q All right.

13 A So we would have the same type of record
14 for Account History for Account 12884152 for a
15 Lakisha Smith.

16 Q Okay. So Exhibit 2 -- you can run a
17 report for the Comcast account, could you not?

18 A For account 12884152, yes.

19 Q Right.

20 Okay. Can you do that for me?

21 A I would not be able to provide that until
22 I'm back to the office.

23 MS. EMERY: I'm going to object to that
24 and interpose that we've objected to producing
25 that all along based on the confidentiality

1 related to that.

2 MR. THOMAS: But I signed a
3 confidentiality protective order for it.

4 MS. EMERY: Right.

5 Do you want to go off the record?

6 MR. THOMAS: Yes. Sure.

7 (discussion off record)

8 (A recess was taken.)

9 (The recess concluded.)

10 MR. THOMAS: Are we back on the record?

11 COURT REPORTER: We are now.

12 BY MR. THOMAS:

13 Q And you're still under oath, right?

14 A Yes.

15 Q Okay, okay. Looking at Exhibit No. 5 ...

16 MR. THOMAS: You guys have No. 5, correct?

17 MS. EMERY: Yes.

18 MR. THOMAS: Okay.

19 BY MR. THOMAS:

20 Q All right. This report that was generated
21 -- can you tell me exactly what it is?

22 A It's a Call Log made from LiveVox
23 concerning phone number (313) 718-5938.

24 Q Was it made -- did LiveVox make it,
25 or did you make it using the LiveVox system?

1 A I'm not sure specifically if this one was
2 generated by our staff or by LiveVox.

3 Q Okay.

4 A It can be done by both.

5 Q It can be done by both.

6 Okay. And this Exhibit 5 shows what is
7 represented to be phone calls made and any phone
8 calls received.

9 Could you tell me about that?

10 A Yes.

11 It reflects telephone calls made out and
12 telephone calls received in pertaining to telephone
13 number (313) 718-5938.

14 Q And, where are you picking up that phone
15 number?

16 A The top section. It has a list to the
17 left, "Client," "Call Center," "Phone Number,"
18 and the phone number is just tabbed out to the
19 right.

20 Q And that number, again?

21 A (313) 718-5938.

22 Q Okay. And let's go over the first line.

23 It would be, "LSMITH VS STELLAR," correct?

24 A "Summary," "LSMITH VS STELLAR," yes.

25 Q So this was prepared with respect to this

1 lawsuit, correct?

2 A I'm not sure if I can answer that
3 question. I'm not ...

4 Q Okay. All right. And the, "Client,"
5 as reflected, as, "Stellar Recovery, Inc.,"
6 correct?

7 A Yes.

8 Q What are all of those numbers (indicated)?
9 The first one is, "3940."

10 What are those numbers -- those four
11 digits?

12 A The digits listed to the right of,
13 "Call Center," reflect the different call centers
14 that we have within LiveVox.

15 To be more specific, a call center is
16 assigned to each client.

17 So Comcast would have its own call center.
18 DISH Network would have its own call center.

19 It's our way of separating the business.

20 Q Okay. "3940 --" that would be a call
21 center?

22 A Yes.

23 Q Is that a physical location?

24 A No.

25 Q What is it?

1 A It's a skill.

2 Q What's a skill?

3 A RPC is considered a skill.

4 Q What's RPC?

5 A In regards to a skill, it's right party
6 connect.

7 HCI is considered a skill.

8 Q Well, we'll get to HCI.

9 RPC is, what?

10 A It's a skill.

11 Q Okay. And a skill is?

12 A Right party connect.

13 It's --

14 Q Right party connect.

15 A -- yes. It is a -- a skill is where we
16 would dial telephone numbers out of within LiveVox.

17 Q Within LiveVox.

18 A Yes.

19 Q Okay. "4245 --" is that a skill or a call
20 center?

21 A It's a -- it's a call center. Yes.

22 Q That's a call center.

23 A Uh-huh.

24 Q Okay. Explain to me exactly what is a
25 call center.

1 A Specifically?

2 Q Yes.

3 A It is a space within LiveVox --

4 Q Okay.

5 A -- that we use to dedicate a piece of the
6 LiveVox technology to dial specific customers or
7 clients.

8 Q Okay. So the space within LiveVox --
9 this space would be located within Stellar Recovery,
10 or would it be located within LiveVox?

11 A Within LiveVox.

12 Q Within LiveVox.

13 A (nodded head affirmatively)

14 Q And it represents here there are
15 13 call centers, correct?

16 A Yes.

17 Q That phone number, (313) 718-5938 --
18 was that number ever used in the campaign for the
19 DISH account?

20 A I'll have to look.

21 Q Please.

22 A (perused document)

23 No. We did not make outbound nor receive
24 inbound telephone calls to that telephone number
25 pertaining to DISH.

1 Q Thank you.

2 Exhibit No. 5 represents 32 calls either
3 being inbound or outbound calls.

4 Is that a fair statement?

5 A It's just because you put me on the spot
6 that I can't do math.

7 Q No. That's okay. Take your time.

8 A It actually represents, based on the count
9 listed at the top --

10 Q Yes.

11 A -- I believe -- 40 total calls.
12 31 Outbound. 9 Inbound.

13 Q Now, if you count each call, each line --
14 and take your time -- how many lines do you have?

15 A 40.

16 Q On the first line, it has, "CallCenter,"
17 -- well, let's go through the first column.

18 It's, "CallCenter," "Skill," "Name,"
19 "Account," "Agent," "Date," "Start," "End,"
20 "Campaign," "Caller ID#," and, "Outcome," correct?

21 A Yes.

22 Q All right. Let's go over, like we did in
23 Exhibit 2, the first line.

24 A "CallCenter," "Comcast --"

25 Q And, what does that mean?

1 A -- that is the space within LiveVox in
2 which we dial our Comcast accounts.

3 Q Okay. Go ahead.

4 "Skill"?

5 A "Skill," "Comcast - RPC --"

6 Q And then, when you say, "Skill," is that
7 the type of method used to make that call?

8 A -- yes.

9 Q Okay. And you indicate, "RPC," correct?

10 A Yes.

11 Q And, what is, "RPC"?

12 A Right party connect.

13 Q Say it again, slow.

14 A Right party connect.

15 Q And, what is right party connect?

16 What is that?

17 A As it pertains to skill?

18 Q Yes.

19 It's different than --

20 A Inbound.

21 Q -- well, it's diferent from inbound and
22 also the HCI, correct?

23 A Yes.

24 Q Okay. So, explain what it is so I have an
25 understanding of what is, "RPC," which is the right

1 party connect, is.

2 A The specific logistics or the technology
3 I would always defer to LiveVox to explain.

4 But it is my impression that it is an
5 outbound dialer that has an IVR.

6 Q What's an, "IVR"?

7 A Specifically, the name -- I can tell you
8 what it is. I don't know that I can give you what
9 the three of those stand for.

10 Q Okay.

11 A It is a -- it's a -- it's a line in which
12 the consumer is prompted -- or the caller,
13 the person that we've called, is prompted.

14 So, specifically, with RPC, we would reach
15 out, and the person that picks up the phone is then
16 going to hear, "If you are this person, press 1.
17 If you are not this person, press 2."

18 Q It's a prerecorded --

19 A Yes --

20 Q -- message, correct?

21 A -- uh-huh. Yeah.

22 An IVR -- it's a line in which we use
23 prompts to identify and transfer calls.

24 Q All right. And then the name -- what is
25 there?

1 A "Lakisha Smith."

2 Q Okay. And the, "Account"?

3 A "12884152."

4 Q And, what does that represent?

5 A That is the -- our Account ID.

6 It's the internal Stellar Recovery file number.

7 Q Associated with Comcast?

8 A Based on the call center, I would say,
9 "Yes."

10 I don't have the account notes in front of
11 me.

12 Q I understand your counsel has that.

13 Do you want to take a look at that and
14 answer that question?

15 MS. EMERY: What are you asking her to do?

16 MR. THOMAS: The account number.

17 What is the purpose?

18 And she says she needs to look.

19 Let's go off the record.

20 (discussion off record)

21 THE WITNESS: Yes. It's associated to a
22 Comcast account.

23 MR. THOMAS: We can go back on the record.

24 Thank you.

25 BY MR. THOMAS:

1 Q Go ahead.

2 What is your answer?

3 A Yes.

4 It's -- the account 12884152 is associated
5 to a Comcast account within our system.

6 Q And, earlier, you didn't know.

7 You had to look at something to refresh
8 your recollection, correct?

9 A I just wanted to confirm.

10 Q Okay. And, what did you confirm with?

11 A That the call center was accurate to the
12 account.

13 Q Okay. So, what did you use to confirm
14 that account?

15 What document?

16 A The Latitude Account History notes for
17 File No. 12884152.

18 Q And that's not being provided based on
19 your counsel, correct?

20 A Correct.

21 Q All right. And the, "Date"?

22 A "Friday, July 18th, 2014."

23 Q And, "Start"?

24 A "2:48:31 p.m."

25 Q "End"?

1 A "2:49:07 p.m."

2 Q And the, "Campaign --" will you go over
3 that line by line?

4 A Yep.

5 "COM --"

6 Q What's, "COM"?

7 A -- Comcast.

8 It's a short --

9 Q Okay.

10 A "-- -RPC --"

11 Q And that's that right party connect?

12 A -- yes.

13 Q Okay.

14 A "-AMDOCS --"

15 Q What's, "AMDOCS"?

16 A -- it's a region within Comcast.

17 It's internal.

18 Q It's a, what now?

19 A It's a region within Comcast.

20 Q Explain, "a region within Comcast."

21 A Comcast is nationwide.

22 Q Yes.

23 A But they divide their customer base based
24 on a region. So they have a headquarters in the
25 southeast. They have a headquarters in the

1 northeast.

2 AMDOCS happens to be one of their regions.

3 Q In what region would AMDOCS be located?

4 A I'm not sure.

5 Q Okay. Go ahead.

6 "_SECONDS"?

7 A "_SECONDS_0_45_DAYS --"

8 Q Okay. So that call lasted for

9 45 seconds; is that it?

10 A -- no.

11 Q Okay. What is the, "45"?

12 What is the significance of the, "45"?

13 A It's the name of the campaign.

14 It replicates -- or it represents that we
15 have a -- an account that qualifies for Comcast,
16 AMDOCS, SECONDS placement placed within the first
17 zero to 45 days.

18 Q All right. Thank you.

19 A "-20140718.csv."

20 Q What is the, "20140718"?

21 What does that represent?

22 A That's the date.

23 Q And the, ".csv --"

24 A Is the type of file that we submitted to
25 create that campaign -- Excel csv file.

1 Q So it's an Excel file?

2 A Yes.

3 Q "Caller ID#"?

4 A "8772365791."

5 Q Is the number, (877) 236-5791 --
6 would that show on the person who's called's
7 Caller ID?

8 A Yes.

9 Q Okay. And the, "Outcome"?

10 A "No Answer."

11 Q Okay. And the next line.

12 A "CallCenter," "Comcast," "Skill,"
13 "Comcast - RPC," "Name," "Lakisha Smith," "Account,"
14 "12884152," "Agent," blank, "Date," "Saturday,
15 July 19th, 2014," "Start," "10:56:27 a.m.,"
16 "End," "10:58:49 a.m.," "Campaign,"
17 "COM-RPC-AMDOCS_SECONDS_0_45_DAYS-20140719.csv,"
18 "Caller ID#," "3134838518," "Outcome," "Listened."

19 Q Okay. Now the Caller ID, once again,
20 would show up on the person who's called's Caller ID
21 on their phone, correct?

22 A Correct.

23 Q And I see it's a (313) area code, correct?

24 A Yes.

25 Q Stellar is located in Florida, correct?

1 A Yes.

2 Q Also, I think in another place out in the
3 Plains States.

4 A Montana.

5 Q Montana. Okay. And LiveVox is out in
6 California, correct?

7 A LiveVox has multiple locations, but, yes,
8 there is one in California.

9 Q Okay. Do they have one in Michigan?

10 A I'm not sure.

11 Q All right. That Caller ID, using the
12 (313) area code -- why did you use that Caller ID?

13 A Specific decision made on that telephone
14 call?

15 I am not able to speak to that.

16 Q Okay. Let's go down to where it says,
17 "Comcast-Inbound."

18 Do you see that line?

19 A Yes.

20 Q All right. Explain to me what --
21 under the column, "Skill --" it's,
22 "Comcast-Inbound."

23 What does that mean?

24 A That is the primary dedicated inbound line
25 for the Comcast Call Center.

1 Q In other words, someone called Stellar,
2 correct?

3 A From telephone number (313) 718-5938.

4 Q For what number, again?

5 A (313) 718-5938.

6 Q Okay. And, what happened during that call
7 based on the, "Outcome"?

8 A "Hung Up In Opening," represents that the
9 person who called us hung up during our answer
10 phrases, which would be something of the nature of,
11 "Thank you for calling Stellar Recovery.
12 Please hold while we look up your account."

13 Q All right. I'm going to go back up.
14 The second line says, "Listened." "Outcome,"
15 "Listened."

16 What does that mean?

17 A The person that we called picked up the
18 telephone and listened to the introduction of our
19 outbound IVR.

20 Q Outbound, what now?

21 A Our outbound IVR that we discussed for
22 RPC.

23 Q Okay. The prerecorded message, correct?

24 A It's not a voicemail message. It is an
25 automated prerecorded line that is an indicator of

1 prompt.

2 Q Right.

3 A Uh-huh.

4 Q So that's not a live person, correct?

5 A No (sic).

6 Q Okay. The next line says, "Machine,
7 Left Message --" "Outcome."

8 Explain that one to me.

9 A We made the telephone call to number
10 (313) 718-5938, reached a voice --

11 Q On what date? On what date?

12 A -- yes. I apologize.

13 On Tuesday, July 22nd, 2014, at
14 12:45:37 p.m.

15 We reached a voicemail and left a message.

16 Q So a voicemail is represented by a
17 machine, correct?

18 A Yes.

19 Q All right. What message did you leave?

20 A At that time, I'd have to go back and
21 validate what message we were using.

22 Q And you could do that at the lunch break?

23 A I should be able to.

24 Q You would be able to?

25 A I should be able to.

1 Q Okay. Calling your attention to
2 "Friday, August 1st, 2014 --"

3 A Yes --

4 Q -- okay -- and calling your attention to
5 the, "Outcome --"

6 A -- yes --

7 Q -- it indicates, "Answering machine
8 (Hung Up)," correct?

9 A -- yes.

10 Q Why is it not a machine?

11 A We reached a machine on July 22nd and left
12 a message.

13 Q Okay.

14 A We reached a machine on August 1st and,
15 at that time, chose not to leave a message.
16 So we ended the call.

17 We detected an answering machine and ended
18 the call is what that represents.

19 Q Okay. So, on August 1st, your system
20 detected an answering machine, and then you didn't
21 leave a message and just hung up.

22 A We ended the call, yes, and did not leave
23 a message.

24 Q But, on Tuesday, July 22nd, it was a
25 machine again, correct?

1 A Uh-huh.

2 Q "Yes"?

3 A Yes.

4 Q Okay.

5 A I'm sorry.

6 Q It was a machine, again, but that time you
7 left a message.

8 A Yes. We chose to leave a message at that
9 time.

10 Q Okay. Why did you leave the message on
11 Tuesday, July 22nd, 2014, and didn't leave a message
12 on Friday, August 1st, 2014?

13 A To answer to the strategy for that
14 specific time frame, I don't have that answer.

15 Q All right. We've already gone over the
16 one for Tuesday, August 5th, where there was a,
17 "Hung Up In Opening," correct?

18 A Yes.

19 Q All right. On Page 2, "Monday,
20 August 25th, 2014, at 4:38," could you go over that
21 entire column?

22 A Yes.

23 "CallCenter," "Comcast," "Skill,"
24 "Comcast-Inbound." The name is blank. The account
25 number is blank. The, "Agent," is, "JENGROVE."

1 The, "Date," "Monday --"

2 Q Well, 1 second. And, "JENGROVE," would be
3 a person that works at Stellar?

4 A -- yes, a Stellar Recovery employee.

5 Q All right. Go ahead.

6 A "Date," "Monday, August 25th, 2014,"
7 start time, "4:38:33 p.m.," end time,
8 "4:40:22 p.m.," "Campaign," "14901
9 _CALLBACK_CALLS_08-25-2014," "Outcome," "(313) --"
10 I'm sorry. "Caller ID," "3134838518," "Outcome,"
11 "AGENT - Consumer (sic) Hung Up."

12 Q Now, on the Caller ID, why would,
13 "3134838518," be listed for an inbound call?

14 A Outbound call?

15 This call reflects what we would show on
16 the person's Caller ID when we call.

17 Q Right.

18 A Inbound call reflects what telephone
19 number that they used to call back in, not their
20 telephone number, our telephone number. It's for
21 tracking.

22 So it shows that the previous day we
23 called outbound to them on (313) 483-8581.
24 They called that number back to get back to us
25 versus the (877) 236-5791.

1 Q Okay.

2 A And that shows that that telephone number
3 routes back into our system normally.

4 Q So that's not like a Caller ID per se.
5 That's the number that the caller, the inbound
6 caller, uses.

7 A It essentially is for an outbound call.
8 On an inbound call, it would not be considered
9 necessarily a Caller ID. It would be the telephone
10 number called.

11 Q Telephone number called.

12 A Essentially, yes.

13 Q Continue. You have, "AGENT ..."

14 A "AGENT - Consumer (sic) Hung Up."

15 Q Did Jen Grove have an opportunity to talk
16 to Ms. Smith or whoever made that phone call,
17 or they just hung up?

18 A From what I understand, in listening to
19 the telephone call, she did speak to a
20 Lakisha Smith.

21 Q And, is that the tape that was provided to
22 the plaintiff in discovery?

23 MS. EMERY: Are you asking me?

24 MR. THOMAS: No. If she knows.

25 MS. EMERY: If you know.

1 THE WITNESS: I -- I -- I believe it might
2 be. I'm not -- I'm not sure.

3 BY MR. THOMAS:

4 Q Okay, okay. Calling your attention to
5 "Monday, October the 6th, 2014," at,
6 "9:33:55 seconds a.m.," this will be an outbound
7 call, correct?

8 A Just to confirm, "Monday, October 6th, at
9 9:33"?

10 Q Yes.

11 A That is an outbound telephone call. Yes.

12 Q And the Caller ID would have shown up as
13 (877) 236-5791, correct?

14 A Yes.

15 Q Then the, "Outcome --" could you explain
16 that to me?

17 A "Operator Transfer (Caller Abandoned)."

18 Q What is, "Operator Transfer"?

19 A An inbound telephone call will come in to
20 our system, or an outbound telephone call is made
21 out.

22 If -- once it connects, there is a
23 transfer from the line to the agent to create a live
24 connect.

25 During that transfer is when we indicated

1 that this person ended the telephone call.

2 Q So, could you explain to me what an
3 operator transfer is exactly?

4 A Operator transfer is when a telephone call
5 is being transferred to an agent.

6 Q Okay. In other words, there is some type
7 of dialing that's going on, with the machine or the
8 system that you have, and then it's transferred to
9 the agent.

10 A Specifically, how it's being dialed to --
11 would need to be spoken to by LiveVox. It's in
12 regards to HCI.

13 During the transfer process of when that
14 call connects and hits to an agent, that's the
15 operator transfer.

16 Q All right. Let's break this operator
17 transfer down so I have an understanding of it.

18 The call that was made was made, and then,
19 at some point, it was transferred to an agent;
20 is that it?

21 Is that how it works?

22 A Yes.

23 Q Explain exactly step by step how that
24 works.

25 A The telephone number rings.

1 Q Okay. The telephone number -- okay.
2 Before it rings, before it rings, it had to be made,
3 correct?

4 A Yes.

5 Q Okay. Let's start with that.

6 A phone call is made.

7 A Okay.

8 Q Back it up further. Go ahead.

9 A Pertaining to this call --

10 Q Yes.

11 A -- and, again, LiveVox would have to --
12 I'd have to defer to LiveVox for the technological
13 aspect of it.

14 Q Sure.

15 A Telephone number, in HCI, is confirmed by
16 an agent electing to dial that telephone number.
17 The phone rings.

18 Once the phone connects to the person
19 we're calling or to a third party or whomever --
20 somebody picks up the phone -- it then connects that
21 line to the agent so that they can hear the
22 telephone call.

23 Q Okay. The person or agent that initiates
24 the call -- is that the same person or agent that
25 it's connected to?

1 A It may or may not be.

2 Q It may or may not be.

3 A Uh-huh.

4 Q Okay. Let's look at the very last line,
5 and, going to the, "Outcome," can you -- let's do
6 the whole line. Go ahead.

7 A Okay.

8 Q Do the whole line.

9 A Okay.

10 Q It's the very last one, please.

11 A "CallCenter," "Comcast," "Skill,"
12 "ComcastHCI," "Name," "Lakisha Smith," file number
13 or account number, "12884152," "Agent," blank,
14 "Date," "Tuesday, October 28th, 2014," "Start,"
15 "3:11:48 p.m.," "End," "3:11:58 p.m.," "Campaign,"
16 is, "COM-HCI-COMCAST_ --"

17 Q That, "COMCAST-HCI," is for that last
18 line, correct?

19 A -- yes.

20 Q Okay. Go ahead.

21 A "_B_HCI_91_210_DAYS.csv."

22 Q So that would be -- the, "91," represents,
23 what?

24 A In this specific campaign name?
25 Days of placement with our office.

1 Q It has been with your office for 91 days?

2 A Over 91 days.

3 Q Okay. And, what's the, "210"?

4 A That's also a date of placement.

5 So the specific campaign is dialing
6 telephone -- or dialing accounts and telephone
7 numbers that were placed between 91 and 210 days.

8 Q Okay. That's a range.

9 A Uh-huh. Yes.

10 Q All right. And then you have the,
11 "Caller ID#."

12 A Yes. "8772365791."

13 Q "Invalid Phone Number --" explain what
14 that means.

15 A An invalid telephone number is going to be
16 a range of things with LiveVox.

17 It's indicating that we've provided them
18 maybe eight digits instead of nine digits,
19 but, in most cases, it's because they've reached a
20 tritone or a --

21 Q What's, "a tritone"?

22 A -- the, "do-do-do," that recognizes that
23 the number has been disconnected or is no longer in
24 service.

25 So the system is telling us, in this

1 instance, that the telephone number of
2 (313) 718-5938 gave them the indication that it was
3 either temporarily disconnected, no longer in
4 service or permanently disconnected.

5 Q And that's when you stopped the campaign.

6 A That is when we stopped dialing.

7 MR. THOMAS: All right. Can I have those
8 back?

9 THE WITNESS: Yes.

10 (tendered exhibits)

11 BY MR. THOMAS:

12 Q I'm going to hand back No. 5,
13 because I'm going to make reference to that one.

14 A Okay.

15 Q I'm handing you what has previously been
16 marked as Plaintiff's Exhibit No. 6.

17 Do you recognize that?

18 A Yes.

19 (Whereupon, a copy of the document titled,
20 "Summary," with a Start Date of 5-5-2014, and
21 an End Date of 5-5-2016, last-above referred to
22 was marked for identification for the record as
23 Plaintiff's Exhibit No. 6.)

24 MR. THOMAS: All right. Now let the
25 record reflect that that's what was provided to

1 me from LiveVox.

2 BY MR. THOMAS:

3 Q And, going to the third page, at the top,
4 it has, "STELLAR RECOVERY, INC.," and it has the
5 phone number.

6 That's the phone number that was being
7 dialed, correct?

8 A Yes.

9 Q And, based on preparing for this
10 deposition, that phone number is a cell phone;
11 is it not?

12 A Speaking specifically based on the fact
13 that we dialed it through HCI, I would say,
14 "Yes. It's a cell phone."

15 Q Okay. And, "Service ID," then,
16 "Current Service Name," "Research Date Range,"
17 and, "Message Used."

18 Do you see that?

19 A Yes.

20 Q Okay. Is this the first time you've seen
21 this exhibit?

22 A This specific exhibit?

23 Yes.

24 Q Okay. Turning to the next page, have you
25 seen that, "Skill," right here (indicated),

1 "Comcast - RPC (14620)"?

2 A Yes.

3 Q Okay. Are you familiar with that?

4 A Yes.

5 Q Okay. And the next page,

6 "Skill: Comcast - Inbound (14901) Message: 7036 --"
7 you're familiar with that?

8 A Yes.

9 Q All right. And then, "Skill: Comcast HCI
10 (50808) Message:53375 --" you're familiar with that?

11 A Yes.

12 Q And the, "Skill," was Kilespie (phonetic)?
13 What's that, Kilapei (phonetic)?

14 A Kalispell.

15 Q "Kalispell Inbound Payment Line (16864),
16 Message: 2025 -- are you familiar with that, as
17 well?

18 A Yes, I am.

19 Q Okay. Now those message codes -- oh,
20 "Service ID," "14620 --" do you see that, on Page 3?

21 A Yes.

22 Q Is that number reflected anywhere in the
23 first two pages of Exhibit 6?

24 A No.

25 Q And then the, "Service ID," "14901 --"

1 is that reflected anywhere on the first two pages of
2 Exhibit 6?

3 A No.

4 Q And, "Service ID," "50808 --" is that
5 reflected anywhere in the first two pages?

6 A As the, "Service ID," no.

7 Q Okay. And, likewise for the last one,
8 "16864" -- it's not reflected anywhere on the first
9 two pages, correct?

10 A As the, "Service ID," no.

11 Q Okay. How about the, "Message Used"?
12 There are four listed here.

13 Were any of those, "Message Used,"
14 reflected on the first two pages?

15 A Specifically, as that number, no.

16 Q Okay. Looking at Exhibit 6 -- the first
17 two pages -- do you know which skill was used or,
18 message used?

19 A Yes.

20 Q Okay. All right. The first line, which
21 is an RPC Skill -- Comcast Skill -- RPC, correct?

22 A Yes.

23 Q The first nine lines are all outbound
24 calls, correct?

25 A Yes.

1 Q And that would be reflected as the
2 "RPC," "14620," and "Message Used," "58417"?

3 A Yes.

4 Q Okay.

5 A Using this, I'm able to confirm one of
6 your other questions that you had on the list --

7 Q Okay. Go ahead.

8 A -- as to which voicemail message we used.

9 Q Okay. Now let's go to Page 4.

10 A Okay.

11 Q And this is the, "Skill: Comcast-RPC,"
12 correct?

13 A Yes.

14 Q And that's referred to as the right party
15 connect.

16 A Yes.

17 Q It indicates, "Start Call," correct?

18 A Yes.

19 Q So all of the calls that you make start
20 with a call, correct?

21 A Yes.

22 Q All right. Now, referring to the
23 RPC Campaign, explain to me the relationship between
24 Stellar and LiveVox in placing these calls.

25 A Stellar provides an Excel format, csv,

1 that has telephone numbers.

2 Q Hold on 1 second.

3 What do you call it, again?

4 A It's an Excel csv file.

5 Q CXB (phonetic)?

6 A "S," as in, "Sam -- " "csv."

7 Q Okay. Go ahead.

8 A Sorry. No. That's still wrong.

9 Q Go ahead.

10 A "C," as in, "cat," "S," as in, "Sam,"
11 "V," as in, "Victor."

12 Q Okay.

13 A "csv file."

14 Q Okay. You provide that to LiveVox,
15 correct?

16 A Correct.

17 Q Okay.

18 A That indicates the telephone numbers that
19 we would like to dial.

20 Q Okay. How does LiveVox get the csv?

21 A csv.

22 Q Okay. How do they get that file?

23 A We upload it to them through our SFTP.

24 Q And, what's the, "FTP"?

25 A It's that -- it's the platform in which --

1 it's a secure platform in which we use to exchange
2 files within.

3 Q Okay. So, once again, you tell them you
4 want to call these numbers, correct?

5 A Correct.

6 Q Then, what happens?

7 A The campaign or the -- the file creates a
8 campaign, and we assign the campaign to the skill in
9 which we would like to dial.

10 And then, from there, we build the
11 campaign, which then cross-references the telephone
12 numbers to things like state laws, our internal
13 do not call lists.

14 And then, once that's complete, we choose
15 to click, "PLAY," on that campaign, and then the
16 telephone calls start.

17 Q Okay. Now you say that you do certain
18 things, as far as that csv file, as far as the
19 campaign.

20 What kind of things do you do, as far as
21 time zones, when not to call, things of that nature?

22 A We do use the LiveVox built-in logics for
23 time -- for time zones.

24 Q Okay.

25 A But they do have a -- they have a part of

1 their system that we can go in and say the specific
2 states -- even though FDCPA says 8:00 to 9:00 --
3 consumer's time zone --

4 Q Right --

5 A -- there are some states that say,
6 "9:00 to 9:00," or, "9:00 to 8:00."

7 And so the simple, "8:00 to 9:00,"
8 is already programmed, and we use this additional
9 feature if we need to adjust by state.

10 Q Okay. What other adjustments do you make?

11 A State law -- so frequency of contact.
12 We use that, as well, to make sure -- like, in the
13 State of New York, we choose to only dial two times
14 a week. That's in that same filter.

15 So, when I put the csv file in there,
16 it's going to scrub against all of those rules and
17 not allow things to take place.

18 "DNC," is another one, as well.

19 Q Okay. What about the State of Michigan?

20 A I can't speak specifically to the
21 State of Michigan.

22 Q Okay. So you pass this on to LiveVox.
23 And then, what do they do with it?

24 A They run it through, like I said, that
25 logic -- the predetermined logic -- and then they --

1 it's available for us on their system as a
2 campaign.

3 So then we take that campaign,
4 and we assign it to a skill within a call center.

5 And then, from there, we build it,
6 and we dial it. We hit, "PLAY."

7 We control when we dial it within the
8 guidelines of state laws.

9 Q So LiveVox never makes the phone call.

10 A LiveVox makes the telephone call.
11 We tell them when to do it and how to do
12 it.

13 Q Okay. So you tell LiveVox when to make
14 the phone call, correct?

15 A Correct.

16 Q All right. And then they make the call,
17 correct?

18 A The system does. Yes.

19 Q LiveVox system.

20 A Yes.

21 Q Okay. And then, when there is a connect,
22 how does the system -- LiveVox system -- then get
23 the call to the agent?

24 Explain how that works.

25 A That's a technological -- tech --

1 tech question that I'd have to defer to LiveVox on.

2 Q So you can't answer that question today?

3 A How their system works?

4 How it actually creates that connection
5 and transfers it to an agent, from a technological
6 side?

7 I can't answer that.

8 Q Okay. So your agent doesn't make the
9 call.

10 A The agent does not make the telephone
11 call.

12 Q LiveVox does.

13 A For RPC -- correct.

14 Q For your campaign.

15 A Correct.

16 I choose when to play that campaign,
17 and I essentially tell LiveVox they can start
18 dialing the list.

19 Q Okay. And, once there's a connection --
20 LiveVox makes a connection -- what happens?

21 It then goes to the agent?

22 A It transfers to an agent.

23 Q Okay. Do you know what agent you want it
24 to transfer to, or is it random?

25 A I know the pocket of agents that I would

1 like to transfer it to.

2 Q Okay. So, when the call is made,
3 when it's first initially made, you don't know which
4 agent is going to field that call, correct?

5 A Correct.

6 Q So, would it be fair to say that LiveVox
7 has all of the equipment for this campaign?

8 A Yes.

9 Q Okay. And their equipment has the
10 capacity to store the numbers, correct?

11 A I can't speak specifically to what their
12 system does or does not do.

13 Q Okay. But you give them the numbers to
14 call, correct?

15 A Correct.

16 Q Okay. And they are able to then call the
17 numbers that you have given to them, correct?

18 A Correct.

19 Q So you're not able to testify whether or
20 not their system has the capacity to store the
21 numbers that you've given to them that ultimately
22 call you?

23 A Correct.

24 The capacity question would be a question
25 for LiveVox.

1 Q Now, when you send over the csv file,
2 your system -- what's your system that you use --
3 this csv?

4 A We use Latitude to generate that csv.

5 Q That has a capacity to store the phone
6 numbers, correct?

7 A Yes.

8 Q And then you can produce those phone
9 numbers any kind of way that you want to produce
10 them, correct, within your system?

11 A To produce them, we create lists with them
12 --

13 Q Right.

14 A -- specifically dedicated to accounts.

15 It's not -- it's not in a position to
16 where we just pull a list of numbers and they're
17 random, because they're -- they could be associated
18 to or not associated to all of our accounts.

19 It's -- it's fairly specific when we --
20 when we draw from that database.

21 Q And LiveVox system has the capacity to
22 dial those numbers that you provided to them,
23 correct?

24 A They are able to dial the telephone
25 numbers we dialed -- or we asked them to. Yes.

1 Q But you're not able to tell me that
2 LiveVox has the capacity to store the numbers,
3 correct?

4 A Correct.

5 Q And you're not able to tell me whether
6 LiveVox has the capacity to produce those numbers.

7 A It is my understanding that they don't
8 have the capacity to produce those numbers,
9 but, again, you'll have to ask LiveVox.

10 Q But you know that they have the capacity
11 to dial the numbers that you produced to them,
12 correct?

13 A Correct.

14 Q Is any of the hardware that is used in
15 the campaign housed at Stellar Recovery, or is it
16 all at LiveVox?

17 A All at LiveVox.

18 Q All at LiveVox.

19 Do you have any software that's been
20 provided to you by LiveVox that's located at
21 Stellar?

22 A Yes.

23 Q What software is provided to you by
24 LiveVox?

25 A We have a LiveVox communicator.

1 Q And, what's that called?

2 A It's my impression that it's a cell phone.
3 It is a LiveVox communicator.

4 We also have an Agent ACD.

5 Q Okay. What else?

6 A And we have a live -- it's called,
7 "LVP," which is the manager portal.

8 Q And, what else?

9 A Those are the three.

10 Q Okay. And, going over each three,
11 could you tell me what it is and how you utilize
12 that software?

13 A LVC, LiveVox communicator, is the dialpad
14 in which we use to connect to LiveVox to open the
15 telephone line to hear the telephone calls that are
16 made by LiveVox.

17 Agent ACD is where the account information
18 presents once a call is connected.

19 Q Well, let's just go back to the, "LVC."
20 Exactly, what is it, again?

21 A It's a keypad.

22 Q A keypad.

23 A Uh-huh.

24 Q It looks like a regular keypad?

25 A It looks like a calculator.

1 Q A calculator?

2 A But -- it does. It's about this big
3 (indicated).

4 Q Does every agent have --

5 A Every agent has one.

6 Q -- okay. And, what do they use it for?

7 A They dial the telephone number given to us
8 from LiveVox to connect to the LiveVox lines.

9 Q Okay. So this is to connect --

10 A My Stellar agent to the LiveVox telephone
11 lines.

12 Q -- okay. This does not have anything to
13 do with calling the customers.

14 A Consumers?

15 No.

16 Q Okay. And, what's the next software you
17 have?

18 A Agent ACD.

19 Q Agent ACD?

20 A "A," as in, "Adam," "C," as in, "cat,"
21 "D," as in, "Doug."

22 Q Okay. And, what is that?

23 A That is the system.

24 And we're -- when a call connects,
25 it passes to the agent, and then it populates this

1 ACD with name, telephone number, account number,
2 if it's an outbound.

3 And, if it's an inbound, it will populate
4 it with what we know to be true to that call.

5 Q Okay. So, in other words, it's used to --

6 A Display information --

7 Q -- display on the monitor everything about
8 the customer, correct?

9 A -- what we have provided or have exchanged
10 with LiveVox. Yes.

11 Q Okay. Well, tell me everything that
12 ACD is able to show on the agent's monitor screen.

13 A From memory?

14 Q Yes. Sure.

15 A I believe it shows the file number,
16 the name, the telephone number.

17 Q The name of the person that you're trying
18 to connect with?

19 A Yes.

20 Q Okay.

21 A The name, and and it may have address.
22 I'm not 100 percent on that, though.

23 Q Okay. Does it have the number of times
24 that you've called the person?

25 A No.

1 Latitude is used for that.

2 Q Okay. So the only thing it has on there
3 is the person's name -- maybe has the address --
4 and that's it.

5 A Pertinent information to the specific call
6 that they're on at the time -- yes.

7 Q So they can intelligently talk to this
8 person, correct?

9 A Yes.

10 Q All right. And, what's the last one?

11 A LiveVox -- it's, "LVP," which is the
12 manager portal.

13 Q Explain that one.

14 A That is where -- when we talk about
15 campaigns and skills and call centers --

16 Q Yes.

17 A -- that's where we monitor --
18 our management staff, myself and my team,
19 monitor what's happening with the agents,
20 the telephone calls, the recordings, these reports.

21 It's -- it's that facility for us to
22 generate the reports, load the lists, the csv lists.

23 Q So you can actually listen in on a
24 conversation, correct?

25 A Yes.

1 Q Using the LVP.

2 A Yes.

3 Q Okay. But you can't generate phone calls
4 with the LVP on a campaign, on a typical campaign,
5 correct?

6 A No.

7 Q Because that's done through the agents.

8 A It's done through -- yes. It's done
9 through the agents.

10 With the ACD, they can generate a call out
11 of the ACD, out of, "Manual," and, "Preview."

12 MR. THOMAS: Okay. So I see you looking
13 at your watch.

14 THE WITNESS: I'm just hungry.
15 I'm sorry.

16 MS. EMERY: I am, too.

17 MR. THOMAS: All right. It's twelve
18 o'clock.

19 MS. EMERY: If you want to finish up,
20 I mean, it's up to you. It's your depo.

21 MR. THOMAS: No. Let's take lunch.

22 MS. EMERY: Let's clarify what it is that
23 you want us to --

24 COURT REPORTER: Do you want this on?

25 MR. THOMAS: Well, one of the ones we

1 don't have to do. She said that --

2 COURT REPORTER: Do y'all want this part
3 on or not?

4 MS. EMERY: No.

5 We're not on the record.

6 MR. THOMAS: We can go off the record.
7 Go ahead.

8 COURT REPORTER: Okay.

9 (A recess was taken for lunch at
10 12:00 p.m.)

11 (The lunch recess concluded at 1:30 p.m.)

12 MR. THOMAS: Back on the record.

13 BY MR. THOMAS:

14 Q Ma'am, you're still under oath, right?

15 A Yes.

16 Q Okay. You had an opportunity to have
17 lunch. I hope you had a good lunch. But you also
18 did some research with respect to some questions
19 I asked of you.

20 Do you have any details on those
21 questions?

22 A Yes, I do.

23 Q Okay. And go ahead, and tell me what you
24 can testify to now.

25 A Okay.

1 MS. EMERY: Do you want to ask her
2 specifically on each issue?

3 MR. THOMAS: Well, I don't know what she
4 knows.

5 MS. EMERY: We have the list of stuff you
6 wanted her to clarify.

7 THE WITNESS: I could go to -- I think
8 it's -- No. 2, Exhibit No. 2.

9 BY MR. THOMAS:

10 Q Okay. Go ahead.

11 A No. If you have it, again, so I can just
12 kind of reference.

13 Q Oh, No. 2?

14 Sure.

15 A Yes, please.

16 So No. 2 -- of the questions that you
17 asked was to clarify what, "lvr=41 --"

18 Q Okay. So --

19 A -- and what, "lar=NA," means.

20 Q -- okay. Please.

21 A "lvr," is LiveVox result.

22 Q Okay. LiveVox result.

23 A They handle all of their documentation
24 with codes --

25 Q Okay --

1 A -- numbers, as you've seen, based on the
2 skill identifier and the call center identifier.

3 Q -- yes.

4 A "lar," is Latitude result --

5 Q Okay. Latitude result.

6 A -- which is, in most cases, like, "NA,"
7 "WN," et cetera.

8 So what it is is that, "41," translates
9 into, "NA," when it hits our system.

10 So, if I look for, "NA," on LiveVox's
11 site, I'm going to look for, "41."

12 When I look for it in Latitude, I'm going
13 to look for, "NA."

14 Q Okay. Anything else?

15 A That was the first one.

16 That's -- the other one was in --
17 actually, it's on this one as well.

18 Q Okay.

19 A We're still looking at Exhibit No. 2,
20 Page 5 of 5.

21 You asked what, "c-r-u-p-d," stands for.

22 Q Yes.

23 A Credit updated -- credit report --
24 I apologize -- updated.

25 Q Okay. All right.

1 A And then, in regards to disputes -- or not
2 disputes -- I'm sorry -- bankruptcies --

3 Q Yes --

4 A -- and whether or not we have --

5 Q PACER?

6 A -- PACER --

7 Q Okay.

8 A -- no.

9 And company -- our company -- the way we
10 handle things is we rely on the scrubs to take
11 place.

12 Q Okay.

13 A And, essentially, if we had three accounts
14 for Lakisha Smith --

15 Q Yes.

16 A -- associated to a Social Security number
17 ending in 5598, all of those accounts would have
18 seen the same scrub and the same trigger
19 applications.

20 And, as you referenced before, you see
21 that we get the B case filed, and then the next day
22 we have that return from a hit.

23 Q Yes.

24 A So we rely on the scrubs to do everything
25 that we need to in regards to bankruptcies.

1 Q Okay. So, to follow up on that line --
2 so you don't independently go look at the schedules,
3 correct?

4 A Correct.

5 Q Okay.

6 A And, even if we had in this particular
7 situation --

8 Q But I don't want to do ifs.
9 You know, either you did, or you didn't.

10 A -- right. But, okay.

11 Q Go ahead.

12 A What I was going to say, too, is to the
13 point.

14 Our bankruptcy scrubs go on a waterfall.
15 So, when we look for a bankruptcy, we look for a
16 name, an address and a Social Security number to
17 match for a relative bankruptcy and then report back
18 to us.

19 If that match isn't hit, then it goes to
20 name and Social Security number. Address doesn't
21 matter.

22 Q Okay.

23 A If that doesn't hit, then it goes to name
24 and address.

25 Q Okay.

1 A And, in this instance, because of the way
2 that our triggers and our -- our scrubs work,
3 we received the appropriate bankruptcy hit back for
4 the DISH Network account.

5 But the Comcast account that is or is not
6 in question -- we did not receive a hit back,
7 because the Social Security number was not the same
8 as what we are looking at for the DISH Network
9 account.

10 Q All right. But you would agree that the
11 Social Security number would have been the same for
12 the same bankruptcy case regardless.

13 A Correct.

14 Q Okay.

15 A So, again, back to the example, if we had
16 three accounts for Lakisha Smith with the same
17 Social Security number, that trigger hit would have
18 also closed the other two accounts down at that
19 time.

20 Q Okay. And, outside of that, as far as the
21 bankruptcy, you just rely on the vendor to tell you
22 whether or not --

23 A The two vendors, the one upon initial
24 scrub to let us know if there is a history --

25 Q Yes.

1 A -- for bankruptcy and then the trigger,
2 which is the one that handles it if it comes up
3 during the life of our --

4 Q That's their solution.

5 A -- the counter office -- uh-huh.

6 Q All right.

7 A Yep.

8 Q Anything else that you found out during
9 lunch that --

10 A I believe those were the only four things
11 we were looking at.

12 Q Okay. I appreciate it. Thank you.

13 MS. EMERY: Oh, and we did the credit
14 report update thing?

15 THE WITNESS: Uh-huh. Yes.

16 And this is Exhibit 2 you can have back.

17 BY MR. THOMAS:

18 Q All right. I'm showing you what has
19 previously been marked as Exhibit 7. So you should
20 have in front of you 5, 6 and 7, correct?

21 A Yes.

22 (Whereupon, a copy of the Call Details for
23 metroPCS for Target Number: 3137185938
24 last-above referred to was marked for
25 identification on the record as Plaintiff's

1 Exhibit No. 7.)

2 BY MR. THOMAS:

3 Q All right. And that is a Call Detail from
4 metroPCS, and, because you did not generate it,
5 I'm not going to ask you to authenticate it.

6 Fair enough?

7 A Yes.

8 Q All right. And --

9 MR. THOMAS: That's yours to have.

10 (tendered document)

11 MS. EMERY: Thank you.

12 Is this going to be an exhibit?

13 MR. THOMAS: If we go to trial.

14 BY MR. THOMAS:

15 Q Okay. Take your time, and I want you to
16 look at, in particular, on Exhibit No. 7, the top
17 portion.

18 Could you just go over what it says --
19 "Date," "Time," "Duration," all of the way through
20 the end?

21 A Yes.

22 "Date," "Time," "Duration," "DIR,"
23 "Dialed Number," "Dest Number," "Status,"
24 "Special Features," "Caller ID."

25 Q Okay. Under the, "CallerID," do you see

1 the first, which is, "8772365791"?

2 A Yes.

3 Q Is that number associated with
4 Stellar Recovery?

5 A It is a number that we use with LiveVox.
6 Yes.

7 Q Okay. And, going to the second line,
8 "CallerID," number, "3134838518 --" do you see that
9 number?

10 A Yes.

11 Q Is that also associated with the campaign?

12 A It is a number that we use with LiveVox.
13 Yes.

14 Q Okay. And, if you could, could you count
15 how many incoming calls are reflected on this
16 Call Detail?

17 If you need a pen just to take notes,
18 I have no problem providing that to you.

19 A I'll take one. Yes. Thank you.

20 Q Yes. Take your time.

21 A I count 49.

22 Q 49.

23 MR. THOMAS: Let the record reflect that's
24 what I also counted, 49.

25 BY MR. THOMAS:

1 Q And, according to this Call Detail,
2 it reflects only incoming calls, correct?

3 A Yes.

4 Q Okay. And then Exhibit 5 and 6 reflect
5 incoming and outgoing calls?

6 A Yes.

7 MR. THOMAS: Okay. I'll take back
8 5, 6 and 7.

9 Oh, before you give that to me ...

10 BY MR. THOMAS:

11 Q Do you have any reason to dispute the
12 accuracy of Exhibit No. 7?

13 A What I can say is these records of what
14 we've made to these telephone calls are accurate.
15 So I can't speak to the difference between the two.

16 Q Yes.

17 A But I do stand beside -- or stand behind
18 in the accuracy of our LiveVox recording reports --

19 Q And, also, do you stand behind --

20 A -- the LiveVox ones that they presented as
21 well.

22 Q -- the LiveVox and the Stellar.

23 A Yes. These two reports --

24 Q Okay --

25 A -- are what I believe are know to be true.

1 Q -- okay. And, once again, you have no
2 reason to dispute the accuracy of Exhibit No. 7,
3 do you?

4 A Essentially, knowing that the two are
5 different, I would believe that there is something
6 that might not be accurate here, but I don't --
7 I can't prove that.

8 Q Okay.

9 A And, in turn, could ask maybe for --
10 to better understand -- because, to me, the,
11 "Special Features," is what throws me off.

12 Q As you know, this is your dep. So I'm not
13 going to be able to answer that question.

14 A Okay.

15 Q But, no. Thank you.

16 A Uh-huh. Thank you.

17 Q Now Latitude -- that's the software that
18 you use over at Stellar, correct?

19 A Yes.

20 Q And one of the reports that was generated
21 was Exhibit 2, correct?

22 A Yes.

23 Q Okay. And that's a collection software,
24 correct?

25 A Yes.

1 Q And their headquarters are right here in
2 Jacksonville, Florida, are they not?

3 A I believe they do have one here.

4 But they were purchased by
5 Interactive Intelligence, which is out of
6 Indianapolis.

7 Q Okay. And that software can be used to
8 dial numbers, can it not?

9 A Interactive Intelligence -- I do believe
10 -- offers -- or I do believe offers a sister
11 technology to Latitude, but Latitude itself cannot
12 dial.

13 Q Okay. So you don't use that sister
14 company or Latitude to dial numbers, correct?

15 A No, we do not.

16 Q Okay. When you receive a call or make a
17 call and a person wants to make a payment, do you
18 use Latitude to track the payment?

19 A Yes.

20 Q Okay. The csv file -- that's basically a
21 spreadsheet, correct?

22 A Yes.

23 Q And it allows data to be saved in the
24 table structure format, correct?

25 A Yes.

1 Q And you take that file and send it over to
2 LiveVox, correct?

3 A Yes.

4 Q Now the ACD -- what is that, a system,
5 or is that just a name?

6 What does it stand for, again?

7 A It's a software.

8 Q Okay.

9 A And it is the agent's visual side of our
10 total LiveVox -- our total LiveVox software.

11 Q Okay. And you're able to monitor payments
12 on that software, or no?

13 A No.

14 Q Only on Latitude.

15 A Yes.

16 Q Phone number (313) 718-5938 -- that was
17 ...

18 MR. THOMAS: I'll hand them back to you.

19 I'm handing you Exhibits 5 and 6.

20 THE WITNESS: Yes.

21 BY MR. THOMAS:

22 Q -- that was the number called with respect
23 to Exhibit 5 and 6, correct?

24 A (313) 718-5938 --

25 Q Yes?

1 A -- yes.

2 Q Okay. Did you have consent to call that
3 number?

4 A No.

5 Q If you didn't have consent to call that
6 number, why did you call the number using the
7 RPC system?

8 A I'm not able to answer to the strategy
9 used to make that decision to dial within RPC.

10 Q Okay. You're familiar with the TCP (sic),
11 are you not?

12 A TCPA?

13 Yes.

14 Q Yes.

15 So you, Stellar, makes no phone calls on
16 your accounts.

17 MS. EMERY: Object to the form.

18 BY MR. THOMAS:

19 Q Stellar makes no phone calls on these
20 campaigns, correct?

21 A We make telephone calls in the sense that
22 we ask -- we provide a list to LiveVox.

23 They dial the numbers, but we take and
24 receive the calls.

25 Q Okay. So they dial the numbers.

1 Stellar does not.

2 A They -- their lines dial the numbers.

3 We, as I stated before, in RPC -- I tell it when to
4 dial the numbers.

5 So it's the lines that LiveVox owns in
6 their system in which we use to dial those telephone
7 numbers.

8 For HCI, it's the same sense, where
9 I provide the telephone numbers, but then our agents
10 dictate when we dial those telephone numbers.

11 Q All right. What system did you mention
12 before the HCI?

13 A The RPC.

14 Q What is that, again?

15 A Right party connect.

16 Q Okay. Now, once again, you provide the
17 numbers for LiveVox to dial.

18 A Yes.

19 Q Correct?

20 A (nodded head affirmatively)

21 Q How many numbers per day do you provide to
22 LiveVox for them to dial?

23 A It varies.

24 I'd have to give you an average.

25 Q Please.

1 A We're looking at, if memory serves,
2 about 300,000.

3 Q 300,000?

4 A (nodded head affirmatively)

5 Q And, how many per hour?

6 A That varies.

7 So, in RPC, I might be able to get through
8 20- to 30,000 --

9 Q In an hour?

10 A -- an hour.

11 In HCI, I only may get through 2500 --

12 Q In an hour?

13 A -- in an hour.

14 So, doing your math, you'll know that
15 I may give 3,000 (sic), but we may not actually dial
16 them all.

17 Q Explain that.

18 A I load 3,000 in anticipation to be able to
19 dial those, but I can't gauge the length of a
20 conversation between our agent and anybody else on
21 the line.

22 So I can anticipate the 300,000,
23 but, if we have several lengthy conversations,
24 then I may not get to the full 3,000 --

25 Q Okay --

1 A -- or 300,000. I apologize.

2 Q -- understood.

3 The 300,000 -- is that -- I understand
4 about the agents talking and whatnot.

5 A Yes.

6 Q But that's the number of calls per day
7 that are actually called.

8 A Not necessarily, no.

9 Q Okay.

10 A I went off what I send to LiveVox.
11 We may not get through all of those in a day.

12 Q Okay. How many numbers are called per day
13 from LiveVox making calls to your debtors?

14 A Again, that averages.

15 MS. EMERY: Object to the form.

16 Go ahead.

17 THE WITNESS: Again, that averages,
18 and I would have to guess if I gave you the
19 actual number that we dial.

20 BY MR. THOMAS:

21 Q Not the actual number, an approximate
22 number.

23 A I would say 250- to 300,000 a day.

24 Q Okay. And that's using the RPC system,
25 correct?

1 A That's using RPC or HCI.

2 Q But you indicated that there was only
3 2500 per hour for the HCI, correct?

4 A On average, that would -- could be what we
5 would get through. Yes.

6 Q And, how many per minute using the RPC?

7 A I would totally be guessing if I told you
8 how many per minute.

9 Q All right. What is LiveVox able to do
10 when you provide them with these numbers and you
11 call in between 250,000 and 300,000?

12 What kind of things are they able to do
13 with respect to each call?

14 A Anything in regards to what LiveVox's
15 system is able to do I would have to defer to
16 LiveVox.

17 Q Okay. Do they have the ability --
18 I'll use the word, "ability --" to broadcast a
19 Caller ID?

20 A "Broadcast," meaning show a Caller ID --

21 Q Yes.

22 A -- on someone's number?

23 From my -- from what I understand, yes,
24 but, again, anything LiveVox I'd have to defer.

25 Q Okay. Are they able to do a preview

1 dialing?

2 A Yes.

3 Q Okay. What is preview dialing?

4 A My understanding of preview dial is we
5 provide a list.

6 Q Yes.

7 A And it could be more than one telephone
8 number per account.

9 And, on the ACD -- and this is just simply
10 visually -- on the Agent ACD, it will present each
11 number, and the agent clicks that number choosing to
12 dial it.

13 And it dials it and then comes back,
14 and the agent can then choose the other telephone
15 numbers, if they see fit.

16 Q Well, let me just -- I'm getting a little
17 confused.

18 When they click on that number, they don't
19 dial it.

20 LiveVox dials it.

21 A They click, "Acknowledge To Dial,"
22 and then LiveVox will actually phone the telephone
23 number.

24 Q Okay.

25 A Yes.

1 Q What about schedule dialing?

2 Is LiveVox able to do that?

3 A From what I understand, yes.

4 But, again, anything logical and how they
5 perceive scheduling -- you'd have to talk to them.

6 Q Do you have them do scheduling dialing?

7 A We don't schedule.

8 Q Okay.

9 A My team manually processes each campaign
10 in the system.

11 Q But you do preview dialing, correct?

12 A We do not. We used to, but we do not use
13 preview anymore.

14 Q Okay. Exactly, what is preview dialing,
15 again?

16 A Again, my understanding of preview
17 dialing, from a visual standpoint, is we provide a
18 list per account of telephone numbers.

19 They present that on the Agent ACD,
20 and the agent clicks the number to accept to dial
21 it. And it dials it.

22 Q All right.

23 A Anything logically past that I can't
24 answer.

25 Q And, does LiveVox have the ability to do

1 predictive dialing?

2 A To speak to their ability to do anything,
3 I -- I can't do that.

4 Q Okay. Do you retain them to do that on
5 your behalf?

6 A Predictive dialing?

7 Q Yes.

8 A We have RPC, which uses an algorithm to
9 dial telephone calls. So I would say, "Yes."

10 Q And that would be the same for scheduled
11 calls, correct?

12 A That's not how I understand it or know it
13 to be. So I can't say, "Yes," to that.

14 Q And LiveVox has the ability to leave a
15 prerecorded message --

16 A Yes, they do --

17 Q -- case in point -- your RPC.

18 A -- in RPC. Uh-huh.

19 Q Okay. Now the HCI -- yes -- Exhibit No. 6
20 --

21 A Yes --

22 Q -- that would be on Page 6?

23 A -- yes.

24 Q Okay. The call starts, correct?

25 A Yes.

1 Q And this is the system that you use,
2 correct?

3 A Yes.

4 Q And then the flow chart shows it goes to
5 an answering machine, correct?

6 A The flow chart -- the flow chart does
7 point into an answering machine.

8 And, ultimately, what that is is it's
9 looking if the connect is an answering machine.

10 Q Yes.

11 If the answering machine is a live person,
12 then an agent is then connected to the call?

13 A No.

14 If the start of the call goes and does not
15 detect an answering machine, but instead detects a
16 live person, it will then -- operator transfer.

17 Q Okay. Operator transfer?

18 A Yes.

19 Q So that particular operator may not have
20 been the same operator or agent that initiated the
21 call, correct?

22 A Correct.

23 Q Okay. You upload the files through the
24 csv file, correct, to LiveVox, right?

25 A We use a csv file uploaded through the

1 FTP to LiveVox. Yes.

2 Q Okay. And I'm only referring now to the
3 HCI calls.

4 What happens after you upload it to the
5 system to get it to LiveVox?

6 What happens step by step?

7 A Once it goes through the FTP --

8 Q Yes --

9 A -- and it scrubs through the same process
10 that we talked about before, against time zones,
11 state laws, things of that nature --

12 Q -- yes.

13 A -- it then presents to my team where we
14 assign it to an HCI Skill.

15 Q What does that all entail -- assigning it?

16 Why do you assign it?

17 Go ahead.

18 A Assigning it just means that we --
19 from within the system we choose for that campaign
20 to either go to RPC, to QC, which is not relative
21 here, or HRI.

22 Q Okay. What is, "QC"?

23 A Quick connect.

24 Q Okay.

25 A So we choose the skill so that we know

1 that we're pointing the telephone number -- or we're
2 pointing the campaign to the right type of dialing.

3 Q Okay. All right. Go ahead with the HCI.
4 What happens next?

5 A And then we build the campaign, and then
6 we play the campaign.

7 So we still determine the time at which
8 the calls will be eligible for the agents to start
9 to acknowledge and dial them.

10 Q But I thought, once you uploaded the
11 numbers to LiveVox, they made the calls, and then it
12 went to the agent.

13 A That's specifically to RPC --

14 Q Okay --

15 A -- or QC --

16 Q -- okay --

17 A -- because those are on that side.

18 Q -- okay. How does it work with HCI?

19 A The HCI -- there is a completely separate
20 platform. So we have Agent ACD that they log into,
21 and that's where the call information --

22 Q Okay. They log into this. Tell me how
23 they log into it.

24 A -- username and password.

25 Q Okay. And, what are they logging into?

1 A They're logging into the software of
2 LiveVox.

3 Q And that software would be --

4 A The Agent ACD.

5 It's the second box on your -- no -- right
6 there (indicated).

7 Q -- okay. Then, what happens?

8 A So they log in. This is for RPC and QC.
9 They log into it, and we click, "PLAY," on our side
10 -- meaning my team -- and we tell LiveVox to start
11 dialing those telephone numbers.

12 Q Okay. Does one person do this, or it's a
13 team of people who do it?

14 A There's three of us, myself and my two
15 employees.

16 Q Okay. And you never receive a call,
17 do you?

18 A I do not receive a call.

19 Q What about the other two?

20 A No.

21 We manage the system.

22 Q Okay. So you're telling LiveVox to call
23 these numbers.

24 A We're telling LiveVox, through RPC and QC,
25 specifically, to start dialing these -- the list

1 that we've provided of telephone numbers.

2 Q Okay. Then, what happens?

3 A That's in RPC and QC.

4 Q Yes.

5 A Once a call connects, it then becomes
6 eligible for operator transfer and will go to an
7 agent.

8 Q Okay. Before we do that, how do you
9 select the numbers and get that over to LiveVox?

10 A That's done in Latitude.

11 Q Latitude.

12 A Uh-huh. Yes.

13 We use Latitude to create the csv file.

14 Q Yes.

15 A So we export the telephone numbers out of
16 Latitude into the csv file and then import them into
17 LiveVox.

18 Q Okay. So, what's the reason why Stellar
19 now uses HCI?

20 A I was not a part of the decision as to why
21 they moved into that platform.

22 Q Okay. And so you individually click all
23 of the numbers that you want to call using the HCI
24 and upload it to the csv file, and then it goes over
25 to LiveVox, correct?

1 A We do pull the telephone numbers out of
2 Latitude, create the csv file and import it into
3 LiveVox.

4 Q Okay. And then, once LiveVox has it,
5 what do they do?

6 A They make it available for us.
7 So the scrub that we talked about where
8 they go through the states and the time zone
9 specifics --

10 Q Right --

11 A -- anything that we tell it to scrub for
12 --

13 Q -- right.

14 A -- and then it presents to my team, again,
15 to decide which skill it goes to.

16 We place it in that skill. Then we build,
17 and we play it.

18 Those records are not eligible to dial at
19 that time. That's one of the -- I wouldn't say,
20 "the biggest differences systemically," because
21 I can't speak systemically to what LiveVox's
22 technology will and will not do.

23 Q Okay.

24 A But, from our side of it, it's the biggest
25 difference between RPC and HCI.

1 Q All right.

2 A When I --

3 Q Explain the difference.

4 A -- yep. When I click, "PLAY," on a
5 campaign -- so I've loaded it. I have csv filed
6 through the FTP, and everything is there.

7 When I click, "PLAY," on that, I tell it
8 to start dialing the numbers -- LiveVox -- and it
9 starts to dial the numbers.

10 And, as they connect, they became
11 available to our agents.

12 Q Okay.

13 A HCI -- I load the campaign. I click,
14 "PLAY," but the records do not become available to
15 an agent.

16 The agent -- the clicker agent has to
17 become ready in order for that to take place,
18 and then it only presents them the amount of
19 telephone calls that they need in order to be able
20 to dial during that time frame.

21 Then they have to accept and confirm each
22 individual telephone number, and at the time they
23 confirm it is when it dials.

24 Q Okay.

25 A And then they have to sit and be ready for

1 those telephone calls to come back to them.

2 Q Okay.

3 A So those are the two biggest differences.

4 I control -- my team does -- RPC, the
5 pace, the telephone calls, when they go and when
6 they stop.

7 The agents control, on an individual
8 basis, the telephone numbers through HCI.

9 Q Okay. Let's talk through the eyes of the
10 agent.

11 What do they see on their screen with the
12 HCI Campaign?

13 A A telephone number.

14 Q A telephone number?

15 A Yes.

16 Q Just one number or several numbers?

17 If a person has more than one number,
18 do they see that?

19 A If a person has more than one number,
20 they would not see that.

21 Q They'd just see one number.

22 A They would see one number per account.

23 Q Per account.

24 A Uh-huh.

25 Q Then, what happens?

1 A Once they click it, if it's to follow this
2 Page 6, for Comcast HCI --

3 Q Sure.

4 A -- once the call connects, it's going to
5 attempt to detect a voicemail.

6 Automated messages are not capable through
7 HCI. That's the reason for this diagram.

8 So, once the call connects, if it detects
9 an answering machine, it ends that call.

10 If it detects anything other than an
11 answering machine, it will agent transfer to an
12 agent available.

13 Q Now the person who clicked that number --
14 one of your agents -- during the HCI Campaign,
15 then that number is dialed, correct?

16 A Yes.

17 Q Through LiveVox.

18 But, when it's a connect, not an answering
19 machine, it doesn't have to necessarily go to the
20 agent that clicked it, correct?

21 A Correct.

22 Q It can go to anyone.

23 A It can go to the dedicated group of agents
24 that we have assigned to it.

25 Q How many agents do you have on the

1 HCI Campaign?

2 A It varies by client.

3 Q Okay. How many were on this campaign?

4 A At the time that this took place,
5 I couldn't tell you.

6 Q You couldn't tell me.

7 A No.

8 Q Generally speaking, is it one or two or
9 more?

10 A Each one of our teams has about 12 people
11 on them.

12 So, if we have two teams, then you have
13 24 agents eligible to do this.

14 Q But you have three agents, right, you and
15 two others, correct?

16 A No.

17 My -- I'm a management team.

18 Q Okay.

19 A So that's my team.

20 I'm talking specifically to HCI.

21 You have 12 agents that are on the phones working a
22 Comcast file.

23 Those 12 agents would be eligible to click
24 for HCI and to receive those calls.

25 So I can't tell you if I click a record --

1 or, if they click -- I apologize. If the agent
2 clicks, it's going to come -- it could come to them.

3 Q It could. Yes.

4 A But it is only going to go to the people
5 that are in that team that are also clicking those
6 same types of records.

7 Q Okay.

8 A So it will not just go -- like, if I
9 clicked it and you're somewhere else, it's not just
10 going to go to you.

11 It's going to go to somebody that's
12 dedicated on my side of it.

13 Q All right. Now, when they click the
14 number, it's simply -- do they use a mouse?

15 A A mouse or keyboard are both eligible for
16 it.

17 Q Okay. It's one click, correct?

18 A It is.

19 Q It's not ten clicks for like ten,
20 different numbers, you know, ten numbers?

21 A How our one click translates into dialing
22 the telephone number -- I can't speak to that.
23 But our agents do click one time.

24 Q One time.

25 A (nodded head affirmatively)

1 Q How many times can an agent click in an
2 hour typically?

3 A Again, if I -- if I made an answer,
4 I'd be guessing.

5 Q Do you recall when you said that you had
6 2500 in an hour with the HCI?

7 A Yes.

8 We have close to 100 agents.

9 Q Okay. But not are all on the HCI team.

10 A All of them, within their own call
11 centers, would be eligible, if we are running an
12 HCI Campaign, to click.

13 Q Okay. So you don't know how many --

14 A It's going to vary based, again, on the
15 call, like the lengths of the telephone calls,
16 how many actually connect to them. The need for the
17 calls is what it depends on.

18 Q Okay. And this campaign -- you couldn't
19 tell me how many agents worked on the HCI Campaign.

20 A Not during the time of these telephone
21 calls. No.

22 Q Okay. All right. Turn to page -- what is
23 that for?

24 A Referring to Page 7?

25 Q Yes.

1 A Okay. That is for an inbound telephone
2 line --

3 Q Okay --

4 A -- that also has the ability to --
5 for the consumer to make a payment.

6 Q -- okay. So Page 4 is RPC outbound call,
7 correct?

8 A 4, yes, is RPC.

9 Q Outbound only.

10 A Yes, outbound.

11 Q Page 5 -- inbound call, correct?

12 A Yes.

13 Q And Page 6 is outbound with HCI.

14 A Yes.

15 Q And Page 7 is inbound for a payment,
16 correct?

17 A Yes.

18 MR. THOMAS: I can take those back.

19 Thank you.

20 THE WITNESS: Yes, sir. You're welcome.

21 BY MR. THOMAS:

22 Q The csv, the Excel file -- you don't use
23 that in the HCI Campaign, do you?

24 A The -- all of our records that go to
25 LiveVox go through a csv file.

1 Q Okay. Do you know what a log file is?

2 A No, not off the top of my head.

3 Q Okay. Mega-Data?

4 A Not off the top of my head.

5 Q Now you earlier indicated that you didn't
6 know if LiveVox had the capacity to store numbers,
7 correct?

8 A Correct.

9 Q Looking back at Exhibit No. 6, to generate
10 that report in Exhibit 6, wouldn't those numbers be
11 stored in their system?

12 A To speak to their ability to store actual
13 telephone numbers in a list form, I can't speak to
14 that.

15 These are reports that we can generate,
16 which are records off of a telephone number,
17 not stored specific telephone numbers.

18 Q Right.

19 But Exhibit 6 is what LiveVox provided,
20 not what Stellar provided.

21 A I agree.

22 In the same fashion, we also stated that
23 the two reports were exactly the same.

24 Q No. I didn't --

25 A I apologize.

1 That was my impression of what I stated
2 when I confirmed that I would agree that this report
3 provided by LiveVox and the one provided by Stellar
4 were both true and the same.

5 Q -- okay.

6 A So it is not my impression or my
7 understanding that they can store physical lists of
8 telephone numbers for the purpose of dialing.

9 They can store records in regards to
10 results of telephone calls, which is what we use
11 these reports for.

12 Q So you don't know either way whether or
13 not they have the ability.

14 A I would have to defer to LiveVox for their
15 true capacity to store telephone numbers.

16 Q Okay. And you, also, have to defer to
17 LiveVox whether or not they can produce numbers to
18 be called, correct?

19 A I do believe I said that as well, yes.

20 Q Okay. But you do agree that they have the
21 capacity to dial.

22 A They do have the capacity to dial
23 telephone numbers.

24 Q All right. Are you familiar with the
25 2015 FCC order regarding TCPA compliance?

1 A I am aware of it. I'm not aware of the
2 complete detail of it.

3 Q Okay. What are you aware of as it relates
4 to your activities at Stellar Recovery?

5 MS. EMERY: Object to the form.

6 THE WITNESS: I do know that there was
7 an FCC ruling. I rely on our Compliance
8 Department to translate any of those rulings as
9 to how they relate to our business.

10 BY MR. THOMAS:

11 Q Okay. You know it applies to cell phones,
12 correct?

13 A I -- I believe it applies to cell phones,
14 but also more than just cell phones.

15 Q Okay. And it applies to prerecorded
16 messages, correct?

17 A I vaguely remember that being a part of it
18 but would have to confirm with my Compliance
19 Department.

20 Q And automatic telephone dialing systems?

21 A ATDS, yes. I am familiar with that as
22 well.

23 Q Okay. And that you have to have the
24 expressed consent of the person you call, correct?

25 MS. EMERY: Object to the form.

1 THE WITNESS: Again, my translation of
2 that would go through my Compliance
3 Department.

4 I would not make that decision.

5 BY MR. THOMAS:

6 Q Okay. So you indicated that you did not
7 have consent to dial the number (313) 718-5938,
8 correct?

9 A Correct.

10 MR. THOMAS: Okay. Let me just go over a
11 couple of my notes.

12 BY MR. THOMAS:

13 Q Do you know whether or not LiveVox has
14 the capacity to all of that?

15 A I can't speak to the capacity.

16 Q Do you know whether LiveVox auto dials?

17 A I don't know.

18 Q Stellar Recovery has been involved in
19 prior lawsuits alleging violation of TCPA, correct?

20 A I'm not sure.

21 Q You're not sure?

22 A No.

23 Q Okay. Where did you get that number,
24 (313) 718-5938, from?

25 A It's a LiveVox number.

1 Q Now (313) 718-5938 -- that's a number that
2 you called.

3 A My apologies. I was looking at the
4 (313) number here (indicated).

5 Q That's fine.

6 A I'd have to see the -- Exhibit 2 --
7 I think it is?

8 Q What now?

9 A Exhibit 2 that has the --

10 Q Well, no. I don't ...

11 A -- no. It's off the other one. I don't
12 know the source without looking at it.

13 Q Does Stellar Recovery have insurance to
14 pay for claims against them?

15 A I'm not sure.

16 Q We've only received one recording.
17 Okay?

18 Are there other recordings than the one
19 that we've received?

20 A Pertaining to the telephone number in
21 question, (313) 718-5938?

22 Q Yes.

23 A Only one recording.

24 Q Only one recording?

25 A Yes.

1 Q And you indicated you could look at
2 Exhibit No. 6, I believe.

3 A I have it.

4 Q Okay. And you indicate that you can
5 indicate what message was left?

6 A Yes.

7 Q Could you tell me?

8 A Based on the machine message left,
9 through Comcast-RPC using the Comcast-RPC
10 identifier, our voicemail message here that was used
11 -- that we were using -- I believe at the time --
12 is the Foti message.

13 Q Could you --

14 A "This message is for --" insert consumer
15 name. "If you are not --" insert consumer name
16 "-- please hang up or disconnect."

17 "If you are --" consumer name "-- please
18 continue to listen to this message. There will now
19 be a 3-second pause in this message."

20 It does wait a time of 750 milliseconds
21 before it continues on -- four, actually --
22 four sets of 750 milliseconds.

23 "By continuing to listen to this message,
24 you acknowledge you are --" insert consumer name.

25 "You should not listen to this message

1 ..." or, "If you are not this individual, you should
2 not listen to this message so that other people can
3 hear it, as it contains personal and private
4 information.

5 "There will now will be 3-second pause in
6 this message to allow you to listen to the message
7 in private."

8 Four, again, blocks of 750 milliseconds of
9 silence.

10 "This is Stellar Recovery at --" insert
11 the campaign telephone number.

12 "This is communication from a debt
13 collector. This is an attempt to collect a debt.
14 Any information obtained will be used for that
15 purpose.

16 "Please contact me about an important
17 business matter at --" insert the campaign telephone
18 number.

19 Q And everywhere that you said, "insert the
20 consumer's name," that would have Lakisha Smith's
21 name, correct?

22 A On this specific Call Log?

23 Q Campaign.

24 A Yes.

25 Q Tell me what you know about the

1 Fair Debt Collections Practices Act.

2 A I know quite a bit from the FDCPA.

3 Q Well, tell me what you know.

4 A I know that it is a federal --
5 it's essentially the federal rule or laws in regards
6 to our industry.

7 It tells us things like what time we can
8 call a consumer, what's considered harassment,
9 what's considered unfair type of practices in
10 regards to calling a consumer.

11 There is a lot to it. So I apologize if
12 I'm not being as specific as I could.

13 But I do know that the FDCPA is the
14 federal's expectations in regards to us collecting
15 on accounts; whereas, each state can then impose
16 their own expectations.

17 Q Okay. For example, you're not able to
18 contact a consumer after they've filed bankruptcy,
19 correct?

20 A From what I understand, yes.

21 Q Do you know what the liabilities are?

22 A No.

23 MS. EMERY: Object to the form.

24 THE WITNESS: No.

25 BY MR. THOMAS:

1 Q Do you know where you got the number --

2 I may have asked you before, but I apologize if

3 I did -- (313) 718-5938?

4 Do you know where you got that number

5 from?

6 A Without looking at the account notes from

7 the other, I would not be able to tell you.

8 MR. THOMAS: Okay. Do you have objection

9 to her looking at those notes?

10 MS. EMERY: We can take a break if you

11 want to do that for a couple of minutes.

12 MR. THOMAS: Yes, please.

13 (A recess was taken.)

14 (The recess concluded.)

15 MR. THOMAS: We're back on the record.

16 COURT REPORTER: Okay.

17 MR. THOMAS: The question was -- could you

18 read the last question?

19 COURT REPORTER: Okay.

20 (Whereupon, the question last-above

21 referred to was read.)

22 BY MR. THOMAS:

23 Q Do you know where you got that number

24 from?

25 A Yes.

1 We did -- we received it from a skip
2 vendor that we use.

3 Q Okay. And, what's the name of the
4 skip vendor?

5 A CBCInnovis.

6 Q The same one that you used on the other
7 account with DISH Network, correct?

8 A Yes.

9 Q Do you have a contract between
10 Stellar Recovery and Comcast?

11 A I believe we do.

12 Q Okay. Can you provide that to me?

13 A I wouldn't be able to. I'd have to defer.

14 MR. THOMAS: Okay. Counsel?

15 MS. EMERY: That's one of things we've
16 objected to --

17 MR. THOMAS: I understand --

18 MS. EMERY: -- and the Court has yet to
19 rule on.

20 MR. THOMAS: -- I understand. Understood.
21 Thank you.

22 BY MR. THOMAS:

23 Q Is there anything you wanted to add to
24 your testimony today that I may have asked a
25 question and you wanted to add to it?

1 A No.

2 MR. THOMAS: I want to thank you for your
3 time.

4 I have no further questions.

5 MS. EMERY: I don't have any.

6 MR. THOMAS: Thank you.

7 THE WITNESS: Thank you.

8 MS. EMERY: We'll waive.

9 COURT REPORTER: Okay. Thank you-all.

10 MS. EMERY: Thank you.

11 (witness excused)

12 (Whereupon, the taking in the deposition
13 in the above-entitled cause was concluded at
14 2:26 p.m.)

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CERTIFICATE OF OATH

STATE OF FLORIDA)

COUNTY OF DUVAL)

I, CAROL DEBEE MARTIN, Certified Court Reporter and Notary Public, State of Florida, do hereby certify that KENDRA VALLARELLI personally appeared before me on May 18, 2016, and was duly sworn.

Dated and signed this 28th day of June, 2016.



CAROL DEBEE MARTIN
Notary Public - State of Florida
My Commission No. EE 839260
My Commission expires: 12-29-2016

CERTIFICATE OF REPORTER

STATE OF FLORIDA)

COUNTY OF DUVAL)

I, CAROL DEBEE MARTIN, Certified Court Reporter and Notary Public, do hereby certify that I was authorized to and did stenographically report the deposition of KENDRA VALLARELLI; that a review of the transcript was not requested; and that the foregoing transcript, Pages 1 through 169, is a true record of my stenographic notes.

I FURTHER CERTIFY that I am not a relative, employee, attorney or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorneys or counsel connected with the action, nor am I financially interested in the action.

Dated and signed this 28th day of June, 2016.



CAROL DEBEE MARTIN
Notary Public - State of Florida
My Commission No. EE 839260
My Commission expires: 12-29-2016